

**From:** [Rooyani, Rodin \(EOIR\)](#)  
**To:** [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Cc:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** Re: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule  
**Date:** Friday, June 22, 2018 10:29:13 AM

---

In light of yesterday's decision, I am being asked if we are going to reject NTAs at the window that do not have a hearing date/time/place listed as being legally insufficient, what is our position?

Thank you.

Rodin Rooyani  
Assistant Chief Immigration Judge

On Jun 21, 2018, at 6:37 PM, Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)> wrote:

OOD has not agreed to let them into our system at this time.

Print Maggard

---

**From:** Rooyani, Rodin (EOIR)  
**Sent:** Thursday, June 21, 2018 3:30 PM  
**To:** Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>  
**Cc:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Subject:** FW: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

FYI

---

**From:** Ruane, Rachel Ann (EOIR)  
**Sent:** Thursday, June 21, 2018 9:08 AM  
**To:** Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>  
**Subject:** RE: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

Also, the Supreme Court just broke the immigration system.

Besides the Asylum Office, ICE cannot scheduled hearings in our system. I'm not sure how (b)(5) DP

**Rachel Ann Ruane | Immigration Judge**

Immigration Court, 15th Floor | 606 S. Olive St. | Los Angeles, CA 90014  
T: 213.553.5739 | [Rachel.Ann.Ruane@usdoj.gov](mailto:Rachel.Ann.Ruane@usdoj.gov)

---

**From:** Ruane, Rachel Ann (EOIR)  
**Sent:** Thursday, June 21, 2018 8:50 AM  
**To:** Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>  
**Subject:** FW: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

(b)(5) DP

"A notice that does not inform a noncitizen when and where to appear for removal proceedings is not a "notice to appear under section 1229(a)" and therefore does not trigger the stop-time rule."

(b)(5) DP

Rachel Ann Ruane | Immigration Judge

Immigration Court, 15th Floor | 606 S. Olive St. | Los Angeles, CA 90014  
T: 213.553.5739 | [Rachel.Ann.Ruane@usdoj.gov](mailto:Rachel.Ann.Ruane@usdoj.gov)

---

**From:** De Girolamo, Gianfranco (EOIR)  
**Sent:** Thursday, June 21, 2018 8:48 AM  
**To:** All of Los Angeles (EOIR) <[All\\_of\\_LosAngeles@EOIR.USDOJ.GOV](mailto:All_of_LosAngeles@EOIR.USDOJ.GOV)>  
**Subject:** FW: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

[https://www.supremecourt.gov/opinions/17pdf/17-459\\_1o13.pdf](https://www.supremecourt.gov/opinions/17pdf/17-459_1o13.pdf)

Here's the link to the decision should you not find it in the linked article.

---

**From:** De Girolamo, Gianfranco (EOIR)  
**Sent:** Thursday, June 21, 2018 8:41 AM  
**To:** All of Los Angeles (EOIR) <[All\\_of\\_LosAngeles@EOIR.USDOJ.GOV](mailto:All_of_LosAngeles@EOIR.USDOJ.GOV)>  
**Subject:** SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

---

**From:** Immigration Law360 <[news-alt@law360.com](mailto:news-alt@law360.com)>  
**Sent:** Thursday, June 21, 2018 7:25 AM  
**To:** De Girolamo, Gianfranco (EOIR) <[Gianfranco.DeGirolamo@EOIR.USDOJ.GOV](mailto:Gianfranco.DeGirolamo@EOIR.USDOJ.GOV)>  
**Subject:** BREAKING: Justices Say Time, Place Needed For Removal Rule

 IMMIGRATION

Thursday, June 21, 2018



## **BREAKING: Justices Say Time, Place Needed For Removal Rule**

The U.S. Supreme Court determined Thursday that served notices of appearance triggering the so-called stop-time rule must include time and place information to be valid, ruling in favor of a Brazilian immigrant facing possible deportation due to the statute.

### **LAW FIRMS**

[Goodwin](#)

### **GOVERNMENT AGENCIES**

[U.S. Department of Homeland Security](#)

[U.S. Department of Justice](#)

[U.S. Supreme Court](#)



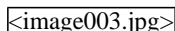
Not sure if your firm subscribes? Ask your librarian

We hope you found this message to be useful  
However, if you'd rather not receive future emails of this sort,  
you may unsubscribe [here](#)

Please DO NOT reply to this email For customer support inquiries, please call +1-646-783-7100 or visit our [Contact Us](#) page

[Privacy Policy](#)

Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011



**From:** [Keller, Mary Beth \(EOIR\)](#)  
**To:** [Cheng, Mary \(EOIR\)](#)  
**Cc:** [Santoro, Christopher A \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Wilson, Donna L. \(EOIR\)](#)  
**Subject:** Re: Pereira  
**Date:** Saturday, June 23, 2018 9:53:55 AM

---

Thank you Mary. (b)(5) DP



Sent from my iPad


> On Jun 22, 2018, at 7:05 PM, Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV> wrote:

>

> All,

>

> Attached for your review (b)(5) DP



>

> Mary Cheng

> Deputy Chief Immigration Judge

>

>

>

> -----Original Message-----

> From: Keller, Mary Beth (EOIR)

> Sent: Friday, June 22, 2018 2:40 PM

> To: Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR)  
<Christopher.Santoro@EOIR.USDOJ.GOV>

> Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR)  
<Scott.Rosen@EOIR.USDOJ.GOV>

> Subject: RE: Pereira

>

> Hi folks,

>

> I am here, but will need to head out again by probably around 3.

(b)(5) DP



> Tx.

>

> MaryBeth Keller

>

>

> -----Original Message-----

> From: Cheng, Mary (EOIR)

> Sent: Friday, June 22, 2018 12:19 PM

> To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>

> Cc: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>

> Subject: Re: Pereira

>

> I will start as soon as I finish an email to you and Judge Keller.

>

> Mary Cheng

> Deputy Chief Immigration Judge

>

>> On Jun 22, 2018, at 12:02 PM, Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV> wrote:

>>

>> Mary, if you're able, (b)(5) DP

[REDACTED]

>>

>>

>> Christopher A. Santoro

>> Deputy Chief Immigration Judge

>>

>>> On Jun 22, 2018, at 11:56 AM, Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV> wrote:

>>>

>>> I agree with (b)(5) DP

[REDACTED]

>>>

>>> (b)(5) DP

[REDACTED]

>>>

>>> Also should we have Scott's office (b)(5) DP

>>>

>>> Mary Cheng

>>> Deputy Chief Immigration Judge

>>>

>>>> On Jun 22, 2018, at 11:51 AM, Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV> wrote:

>>>>

>>>> I concur with (b)(5) DP

[REDACTED]

>>>>

>>>>

>>>> Christopher A. Santoro

>>>> Deputy Chief Immigration Judge

>>>>

>>>>> On Jun 22, 2018, at 10:39 AM, Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV> wrote:

>>>>>>>> Mary Cheng

>>>>>>>> Deputy Chief Immigration Judge

>>>>>>>>

>>>>>>>> On Jun 21, 2018, at 5:36 PM, Santoro, Christopher A (EOIR)

<Christopher.Santoro@EOIR.USDOJ.GOV> wrote:

>>>>>>>>

(b)(5) DP



>>>>>>>>

>>>>>>>>

>>>>>>>> Christopher A. Santoro

>>>>>>>> Deputy Chief Immigration Judge

> <Proposed ISS.docx>

**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [Keller, Mary Beth \(EOIR\)](#)  
**Cc:** [Santoro, Christopher A \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Subject:** ACIJ guidance  
**Date:** Monday, June 25, 2018 7:56:16 PM  
**Attachments:** [image001.png](#)

---

All, we have checked with the ACIJ's and the only guidance from ACIJ's to the field was the email from Doc, which has nothing to do with the tweet.

**PRINT MAGGARD**  
DEPUTY CHIEF IMMIGRATION JUDGE

Department of Justice  
Executive Office for Immigration Review  
Office of the Chief Immigration Judge



**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [Keller, Mary Beth \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Subject:** FW: (b)(5)  
**Date:** Monday, June 25, 2018 4:04:15 PM

---

FYI, only guidance I am aware of, we will ask.

---

**From:** Daugherty, Daniel J. (EOIR)  
**Sent:** Friday, June 22, 2018 11:52 AM  
**To:** Alberdi, Yon K. (EOIR) <Yon.Alberdi@EOIR.USDOJ.GOV>; Anderson, David (EOIR) <David.Anderson@EOIR.USDOJ.GOV>; Aquino, Joannabelle (EOIR) <Joannabelle.Aquino@EOIR.USDOJ.GOV>; Askar, Priscilla (EOIR) <Priscilla.Askar@EOIR.USDOJ.GOV>; Buhl-Madsen, Meghan C (EOIR) <Meghan.Buhl-Madsen@EOIR.USDOJ.GOV>; Burke, Jason (EOIR) <Jason.Burke@EOIR.USDOJ.GOV>; Caley, Steven (EOIR) <Steven.Caley@EOIR.USDOJ.GOV>; Carbone, Nina M. (EOIR) <Nina.Carbone@EOIR.USDOJ.GOV>; Corrin, Melanie K. (EOIR) <Melanie.Corrin@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; DeGenaro, Carey (EOIR) <Carey.DeGenaro2@EOIR.USDOJ.GOV>; Engel, Donna (EOIR) <Donna.Engel@EOIR.USDOJ.GOV>; Fink, Aimee R. (EOIR) <Aimee.Fink@EOIR.USDOJ.GOV>; Gaertner, Thamys (EOIR) <Thamys.Gaertner@EOIR.USDOJ.GOV>; Gardzelewski, Ivan E. (EOIR) <Ivan.Gardzelewski@EOIR.USDOJ.GOV>; Garfinkel, Seth (EOIR) <Seth.Garfinkel@EOIR.USDOJ.GOV>; Greer, Christopher M. (EOIR) <Christopher.Greer@EOIR.USDOJ.GOV>; Kane, Alison (EOIR) <Alison.Kane@EOIR.USDOJ.GOV>; Livingston, Donn (EOIR) <Donn.Livingston@EOIR.USDOJ.GOV>; Malave, Adilina (EOIR) <Adilina.Malave@EOIR.USDOJ.GOV>; McGrail, Elizabeth (EOIR) <Elizabeth.McGrail@EOIR.USDOJ.GOV>; Murguia, Andres (EOIR) <Andres.Murguia@EOIR.USDOJ.GOV>; Newsome, Rachel (EOIR) <Rachel.Newsome@EOIR.USDOJ.GOV>; O'Hare, Donald (EOIR) <Donald.OHare@EOIR.USDOJ.GOV>; Overton, Fayne (EOIR) <Fayne.Overton@EOIR.USDOJ.GOV>; Reidelberger, Jacqueline (EOIR) <Jacqueline.Reidelberger@EOIR.USDOJ.GOV>; Revelle, Alec (EOIR) <Alec.Revelle@EOIR.USDOJ.GOV>; Robinson, Kitty (EOIR) <Kitty.Robinson@EOIR.USDOJ.GOV>; Romig, Jeff (EOIR) <Jeff.Romig@EOIR.USDOJ.GOV>; Sharda, Munish (EOIR) <Munish.Sharda@EOIR.USDOJ.GOV>; Trujillo, Eileen R. (EOIR) <Eileen.Trujillo@EOIR.USDOJ.GOV>; Truman, Phillip M. (EOIR) <Phillip.Truman@EOIR.USDOJ.GOV>  
**Subject:** RE: (b)(5) DP

Good People:

(b)(5) DP



We can expect to see numerous motions to terminate and numerous motions to try and set the stop-time date as far out as possible.

When deciding such issues please remember the Maxims Of Jurisprudence "An interpretation which gives effect is preferred to one which makes void," and "Interpretation must be reasonable."

As judges, we are all free to rule within the bounds of the law, our best professional judgement, wise discretion and common sense.

Thanks for all your efforts and have a great weekend.

ACIJ Daugherty

---

**From:** Burke, Jason (EOIR)  
**Sent:** Friday, June 22, 2018 10:45 AM  
**To:** Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>  
**Subject:** FW: (b)(5) DP



Thought I would share to see if you have any thoughts on this yet...

---

**From:** Cervantes, Rene (EOIR)  
**Sent:** Friday, June 22, 2018 8:42 AM  
**To:** Romero, Claudia (EOIR) <[Claudia.Romero@EOIR.USDOJ.GOV](mailto:Claudia.Romero@EOIR.USDOJ.GOV)>  
**Cc:** Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>; Burke, Jason (EOIR) <[Jason.Burke@EOIR.USDOJ.GOV](mailto:Jason.Burke@EOIR.USDOJ.GOV)>; Morrow, Michel (EOIR) <[Michel.Morrow@EOIR.USDOJ.GOV](mailto:Michel.Morrow@EOIR.USDOJ.GOV)>  
**Subject:** Re: (b)(5) DP

Good morning all,

I have been thinking about this since the decision came out. San Diego and all of ACIJ Bartolomei's courts will continue to accept them unless we receive different guidance. He copied both DCIJ's for awareness.

I hope this helps.

Rene

Sent from my iPhone

On Jun 22, 2018, at 7:12 AM, Romero, Claudia (EOIR) <[Claudia.Romero@EOIR.USDOJ.GOV](mailto:Claudia.Romero@EOIR.USDOJ.GOV)> wrote:

Good morning ACIJ Rooyani,

All of the served NTAs do not have time and only some have the place. We will probably start seeing terminations based on deficient NTAs such as in cases (b)(6) Is there any new guidance on what we should do with the newly filed NTAs missing time and place?

---

**From:** De Girolamo, Gianfranco (EOIR)  
**Sent:** Thursday, June 21, 2018 8:48 AM  
**To:** All of Los Angeles (EOIR) <[All\\_of\\_LosAngeles@EOIR.USDOJ.GOV](mailto:All_of_LosAngeles@EOIR.USDOJ.GOV)>  
**Subject:** FW: SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

Duplicate

---

**From:** De Girolamo, Gianfranco (EOIR)  
**Sent:** Thursday, June 21, 2018 8:41 AM  
**To:** All of Los Angeles (EOIR) <[All\\_of\\_LosAngeles@EOIR.USDOJ.GOV](mailto:All_of_LosAngeles@EOIR.USDOJ.GOV)>  
**Subject:** SCOTUS DECISION ON NTA AND STOP-TIME RULE: FW: BREAKING: Justices Say Time, Place Needed For Removal Rule

---

**From:** Immigration Law360 <[news-alt@law360.com](mailto:news-alt@law360.com)>  
**Sent:** Thursday, June 21, 2018 7:25 AM  
**To:** De Girolamo, Gianfranco (EOIR) <[Gianfranco.DeGirolamo@EOIR.USDOJ.GOV](mailto:Gianfranco.DeGirolamo@EOIR.USDOJ.GOV)>  
**Subject:** BREAKING: Justices Say Time, Place Needed For Removal Rule

Duplicate

From: [Crews, John G. \(EOIR\)](#)  
To: [Martin, Clay N. \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)  
Subject: Pereira v. Sessions  
Date: Monday, June 25, 2018 4:46:59 PM

---

Clay and Chris:

By now I am sure that various components of the Department of Justice (DOJ) and the Department of Homeland Security (DHS) are consider where to go next in light of Pereira v. Sessions, 2018 WL 3058276.

While a (b)(5) DP [REDACTED]

Given that DHS has limited holding or detention space available, and given the rising number of families crossing the border or presenting themselves for inspection at ports of entry, it seems (b)(5) DP [REDACTED]

[REDACTED] As a result it seems (b)(5) DP [REDACTED]

[REDACTED] 8 U.S.C. 1229b(b)(1).

Because the service of an effective NTA is crucial for terms of the "Stop-Time" Rule (8 U.S.C. 1229b(d)(1)(A), and because the NTA must now specifically designate the place and time of the hearing and initial appearance (Pereira v. Sessions, and 8 U.S.C. 1229b(a)(1)(G)(i)) DOJ and DHS (b)(5) DP [REDACTED]

If we accept the premise that (b)(5) DP [REDACTED]

It has been my experience at the Port Isabel Detention Center that DHS will not permit non-detained aliens to present themselves at detention centers. That means that even aliens who bond out or who are parole out our detention center here at Port Isabel can't come back inside for Court for their initial appearance. It can be years before an alien goes to Court for the first time. I have a case on my docket where the alien was released on bond in Tacoma, Washington, without an advice of rights nor an entry of pleadings, and the matter was transferred to the Harlingen, Texas non-detained court. Several years have passed and the alien has not yet entered pleadings. In the interim the alien is alleged to have committed criminal violations and as a consequence came to the cognizance of immigration authorities here in South Texas. Now about three years since he was released on bond he still hasn't been to Court nor entered pleadings. Because (b)(5) DP [REDACTED]

If the alien (b)(5) DP

The alien could be (b)(5) DP

In either instance (b)(5) DP

This is all (b)(5) DP

This may require (b)(5) DP

If I can be of any assistance in drafting interim regulations and procedures please let me know.

Very Respectfully,

/s/ JGC

John Grasty Crews, II  
United States Immigration Judge  
Executive Office for Immigration Review  
U.S. Department of Justice  
Port Isabel Detention Center  
27991 Buena Vista Blvd  
Los Fresnos, TX 78566  
956 547 1789 Main Number  
956 254 5773 Direct Dial  
956 547 1782 Facsimile  
[John.G.Crews@usdoj.gov](mailto:John.G.Crews@usdoj.gov)

Not a responsive record

---

**From:** Pasierb, Mark (EOIR)  
**Sent:** Tuesday, June 26, 2018 4:58 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>  
**Subject:** IAD Agendas

As discussed...

- OIT will open up NON DETAINED ISS by Monday July 2
- OIT will create an IAD Judge for every court (this includes all hearing locations for that court)
- OIT will establish an agenda here for all courts (the courts will not have to originally do this)
- The IAD agenda will be set in half hour blocks for every day of the week
- We'll ask that the blocks be set to 20 slots (this means that the IAD docket will be able to handle 380 cases per day)
- The 20 slot sessions will be easier to move to a real IJ agenda than if you did 99... however the sessions can be increased up to 99 if necessary by the Court Administrator
- The ISS Scheduling System will first look to actual judge agendas for MM time and then go to the IAD agenda if nothing is found within 90 days
- The system still looks out 17 days if the NTA was served in person and 30 days if by mail—this can be modified... should it?
- We will request that that OIT establish agendas for the IAD judges for three months into the future; this means that the first day would begin July 19 and then have a daily agenda for up to 90 days out. Court Administrators would then have to establish more days/months as needed. This agenda is within the CA's control from there.
- Please note that the system looks for Business Days
- Expedited Asylum will still go to MA time—Court Administrators must ensure that there is enough MA time

As you heard from Ed, OIT needs to do some programming in order to allow detained to be scheduled via ISS. The ETA for this is July 16. There are a few more issues to deal with for detained

—OIT has to do some screen changes for the DHS entry to do this.

Please let me know comments/concerns issues... OIT needs to get on this quickly.

Mark

**From:** [Keller, Mary Beth \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)  
**Cc:** [Cheng, Mary \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#)  
**Subject:** RE: Pereira guidance  
**Date:** Tuesday, June 26, 2018 1:40:20 PM

---

Status Quo for now; (b)(5) DP [REDACTED]

Plan is to send out a message tomorrow if we are able to [window reject](#), along with other instructions to CAs regarding ISS opening on Monday for non detained, if OIT can confirm that. We are (b)(5) DP [REDACTED]

No direct guidance is coming on [pending cases](#) at this point; when we communicate the above, we will tell the judges that they should apply the law to the individual cases as they always do.

Will communicate all of this to the ACIJs at our meeting at 2.

Mtk

*MaryBeth Keller*

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, June 26, 2018 12:22 PM  
**To:** Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>  
**Cc:** Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>  
**Subject:** Re: Pereira guidance

(b)(5) DP [REDACTED]

Christopher A. Santoro  
Deputy Chief Immigration Judge

On Jun 26, 2018, at 11:45 AM, Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)> wrote:

(b)(5) DP [REDACTED]

**PRINT MAGGARD**  
DEPUTY CHIEF IMMIGRATION JUDGE

Department of Justice  
Executive Office for Immigration Review  
Office of the Chief Immigration Judge

<image001.png>

**From:** [Keller, Mary Beth \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Cc:** [Rosen, Scott \(EOIR\)](#)  
**Subject:** RE: Pereira v. Sessions - Guidance  
**Date:** Wednesday, June 27, 2018 11:51:45 AM

---

I agree, and would also suggest changing the language in the first bullet to track the exact language in the decision/statute at 1229(a). (b)(5) DP  
"NTAs that do not specify the time and place of the hearing" should be rejected.

(b)(5) DP

*MaryBeth Keller*

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Wednesday, June 27, 2018 11:41 AM  
**To:** Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>  
**Cc:** Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>  
**Subject:** RE: Pereira v. Sessions - Guidance

(b)(5) DP

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Keller, Mary Beth (EOIR)  
**Sent:** Wednesday, June 27, 2018 10:53 AM  
**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Cc:** Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>  
**Subject:** FW: Pereira v. Sessions - Guidance

*MaryBeth Keller*

---

**From:** Rosen, Scott (EOIR)  
**Sent:** Wednesday, June 27, 2018 10:34 AM



**To:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>

**Subject:** Pereira v. Sessions - Guidance

Here is the basic outline for the *Pereira* guidance.

Judges and Court Administrators:

This purpose of this email is to provide guidance on the processing of NTAs following the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. \_\_\_\_ (2018).

(b)(5) DP



If you have any questions, please contact your ACIJ.

**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [McDaniel, Scott \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#)  
**Cc:** [Cheng, Mary \(EOIR\)](#)  
**Subject:** RE: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)  
**Date:** Wednesday, June 27, 2018 6:20:06 PM

---

You are correct Scott.

Print Maggard

---

**From:** McDaniel, Scott (EOIR)  
**Sent:** Wednesday, June 27, 2018 3:19 PM  
**To:** Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>  
**Subject:** FW: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Good Afternoon:

The first issues are arising....

DHS detained in SFR has stated their intention to get a hearing date at the front window, write it down, and then hand us the NTA. I have told them no, they will need to coordinate a date with OCC (dates being given to them this afternoon), reserve the respondent with the NTA that shows the hearing date, and then file it with the court. I am assuming that if the NTA has a location, date and time on it that the respondent has a copy of the same and we will not be noticing the respondent for the hearing. Please let me know if my assumptions are correct.

Thanks:  
Scott

---

**From:** Wilson, Donna L. (EOIR)  
**Sent:** Wednesday, June 27, 2018 10:48 AM  
**To:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>; All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>; All of Judges (EOIR) <[All\\_of\\_Judges@EOIR.USDOJ.GOV](mailto:All_of_Judges@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>; Ortiz-Ang, Susana (EOIR) <[Susana.Ortiz-Ang@EOIR.USDOJ.GOV](mailto:Susana.Ortiz-Ang@EOIR.USDOJ.GOV)>; Manna, Karen (EOIR) <[Karen.Manna@EOIR.USDOJ.GOV](mailto:Karen.Manna@EOIR.USDOJ.GOV)>; Kuschel, Mark (EOIR) <[Mark.Kuschel@EOIR.USDOJ.GOV](mailto:Mark.Kuschel@EOIR.USDOJ.GOV)>  
**Subject:** Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Judges and Court Administrators:

The purpose of this email is to provide guidance on the processing of NTAs following the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. \_\_\_\_ (2018).

- **NTAs.** Effective immediately, NTAs filed at the window that do not specify the time and place of the hearing should be rejected.
- **Non-detained Cases.** We anticipate that beginning Monday, July 2, 2018, the Interactive Scheduling System (ISS) will be available for the Department of Homeland Security to schedule hearings in non-detained cases.
- **Detained Cases.** We anticipate that beginning Monday, July 16, 2018, ISS will be available for DHS to schedule hearings in detained cases.
- **Pending Cases.** For pending cases, Immigration Judges should continue to address issues raised by the parties regarding the NTA on a case-by-case basis in accordance with controlling case law, statutes, and regulations.

Court Administrators are reminded that a conference call with Deputy Chief Immigration Judge Christopher Santoro is scheduled for 2:30 EDT this afternoon to provide further guidance regarding the processing of NTAs.

If you have any questions, please contact your Assistant Chief Immigration Judge.

*MaryBeth Keller*  
Chief Immigration Judge  
U. S. Department of Justice  
Executive Office for Immigration Review  
[Mary.Beth.Keller@usdoj.gov](mailto:Mary.Beth.Keller@usdoj.gov)  
703-305-1247

**From:** [Alder Reid, Lauren \(EOIR\)](#)  
**To:** [King, Jean \(EOIR\)](#)  
**Cc:** [Cowles, Jon \(EOIR\)](#); [Rothwarf, Marta \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Lyew, Samantha \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** Re: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)  
**Date:** Friday, June 29, 2018 9:23:37 PM

---

+Chris as I know he has some of these answers, and the rest of the ILD team FSA

I know USCIS leadership was going to discuss these issues with the Director this afternoon.

On Jun 29, 2018, at 9:16 PM, King, Jean (EOIR) <[Jean.King@EOIR.USDOJ.GOV](mailto:Jean.King@EOIR.USDOJ.GOV)> wrote:

Adding ILD.

Sent from my iPhone

Begin forwarded message:

**From:** "Rothwarf, Marta (EOIR)"  
<[Marta.Rothwarf@EOIR.USDOJ.GOV](mailto:Marta.Rothwarf@EOIR.USDOJ.GOV)>  
**Date:** June 29, 2018 at 6:10:31 PM EDT  
**To:** "Pasierb, Mark (EOIR)" <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>,  
"Anderson, Jill (EOIR)" <[Jill.Anderson@EOIR.USDOJ.GOV](mailto:Jill.Anderson@EOIR.USDOJ.GOV)>,  
"Baptista, Christina (EOIR)"  
<[Christina.Baptista@EOIR.USDOJ.GOV](mailto:Christina.Baptista@EOIR.USDOJ.GOV)>, "King, Jean (EOIR)"  
<[Jean.King@EOIR.USDOJ.GOV](mailto:Jean.King@EOIR.USDOJ.GOV)>, "Lin, Austin (EOIR)"  
<[Austin.Lin@EOIR.USDOJ.GOV](mailto:Austin.Lin@EOIR.USDOJ.GOV)>, "Ahn, Kate (EOIR)"  
<[Kate.Ahn@EOIR.USDOJ.GOV](mailto:Kate.Ahn@EOIR.USDOJ.GOV)>, "Noferi, Mark (EOIR)"  
<[Mark.Noferi@EOIR.USDOJ.GOV](mailto:Mark.Noferi@EOIR.USDOJ.GOV)>, "Grodin, Edward (EOIR)"  
<[Edward.Grodin@EOIR.USDOJ.GOV](mailto:Edward.Grodin@EOIR.USDOJ.GOV)>, "Thomas, Annette (EOIR)"  
<[Annette.Thomas@EOIR.USDOJ.GOV](mailto:Annette.Thomas@EOIR.USDOJ.GOV)>, "Fruehwald, David  
(EOIR)" <[David.Fruehwald@EOIR.USDOJ.GOV](mailto:David.Fruehwald@EOIR.USDOJ.GOV)>  
**Cc:** "Rosen, Scott (EOIR)" <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>,  
"Schwartz, Claudia R" <(b)(6)@uscis.dhs.gov>  
**Subject:** RE: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

(not certain if this was sent – recovered due to connection problems)

Hi Everyone,

Claudia and I just spoke and three issues have arisen with regard to CASE ISS implementation and use that I am bringing to your attention for EOIR's discussion and resolution. Claudia is copied so that she can weigh in if I didn't accurately catch everything we discussed.

<!--[if !supportLists]-->1) <!--[endif]-->Clear guidance on how we would like account requests to be submitted to EOIR. It is my understanding that in the past the USCIS Asylum Program arranged that each office submit a scanned bundled pdf containing approved individual user account requests that were submitted by a supervisory asylum officer on behalf of the office. Will this bundled approach still work for EOIR's OIT Service Desk? To avoid mass confusion on Monday, we should plan to issue clear guidance to DHS users on what is required for submitting OIT Service Desk CASE ISS user account requests.

<!--[if !supportLists]-->2) <!--[endif]-->Can we clarify the process that asylum officers must follow when creating NTAs for the positive credible fear cases that are being placed in removal proceedings without asylum applications? Does the current CASE ISS user guide clearly document what these users need to do – is it just a matter of not using/accessing the clock section of CASE ISS? To avoid confusion does it make sense to include a list of steps to issue: 1) basic Form I-862s, NTAs (generic and positive credible fear related NTAs) and 2) steps to issue affirmatively referred asylum-related I-862s?

<!--[if !supportLists]-->3) <!--[endif]-->Additionally, USCIS was contacted by an ICE office that was asking that in light of Pereira whether the Notice of Referral (Form I-863) also must include the date, time and location of the CF or RF review hearing? Certainly CASE ISS was created to just handle creation and issuance of Notices to Appear (NTAs) (Form I-862). Do we need to also issue guidance to DHS on the process we expect them to follow when issuing and submitting the Form I-863, Notices of Referral?

Should *Pereira* (b)(5) DP  
[REDACTED]  
[REDACTED] ? My initial reaction and vague recall is that *Pereira* is (b)(5) DP  
[REDACTED]  
[REDACTED]

<!--[if !supportLists]-->4) <!--[endif]-->Given the potential expansion of DHS users seeking CASE ISS account access, federation between DHS and EOIR for recognition of the DHS PIV cards for account access is now a critical need. Have we identified the correct DHS POC for this issue?

I am including Annette, Kate and Dave on this email so that they are aware of these issues especially as they are working to update the OIT

Service Desk guidance that is part of the Interconnection Security Agreements (ISAs) that we are currently revising to include recent changes to DOJ and OMB guidance and EOIR personnel and processes and any CASE ISS user guidance.

Marta

Marta Rothwarf  
Associate General Counsel/SCOP  
Executive Office for Immigration Review (EOIR)  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041  
703-305-1041 (Direct)  
(b)(6) (Mobile)  
703-305-0470 (General)  
703-305-0443 (Fax)  
[marta.rothwarf2@usdoj.gov](mailto:marta.rothwarf2@usdoj.gov)

Referral



**From:** [King, Jean \(EOIR\)](#)  
**To:** [Alder Reid, Lauren \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#)  
**Subject:** Fwd: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)  
**Date:** Saturday, June 30, 2018 8:00:41 AM

---

Sent from my iPhone

Begin forwarded message:

**From:** "Thomas, Annette (EOIR)" <[Annette.Thomas@EOIR.USDOJ.GOV](mailto:Annette.Thomas@EOIR.USDOJ.GOV)>  
**Date:** June 30, 2018 at 4:57:01 AM EDT  
**To:** "Rothwarf, Marta (EOIR)" <[Marta.Rothwarf@EOIR.USDOJ.GOV](mailto:Marta.Rothwarf@EOIR.USDOJ.GOV)>  
**Cc:** "Pasierb, Mark (EOIR)" <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>, "Anderson, Jill (EOIR)" <[Jill.Anderson@EOIR.USDOJ.GOV](mailto:Jill.Anderson@EOIR.USDOJ.GOV)>, "Baptista, Christina (EOIR)" <[Christina.Baptista@EOIR.USDOJ.GOV](mailto:Christina.Baptista@EOIR.USDOJ.GOV)>, "King, Jean (EOIR)" <[Jean.King@EOIR.USDOJ.GOV](mailto:Jean.King@EOIR.USDOJ.GOV)>, "Lin, Austin (EOIR)" <[Austin.Lin@EOIR.USDOJ.GOV](mailto:Austin.Lin@EOIR.USDOJ.GOV)>, "Ahn, Kate (EOIR)" <[Kate.Ahn@EOIR.USDOJ.GOV](mailto:Kate.Ahn@EOIR.USDOJ.GOV)>, "Noferi, Mark (EOIR)" <[Mark.Noferi@EOIR.USDOJ.GOV](mailto:Mark.Noferi@EOIR.USDOJ.GOV)>, "Grodin, Edward (EOIR)" <[Edward.Grodin@EOIR.USDOJ.GOV](mailto:Edward.Grodin@EOIR.USDOJ.GOV)>, "Fruehwald, David (EOIR)" <[David.Fruehwald@EOIR.USDOJ.GOV](mailto:David.Fruehwald@EOIR.USDOJ.GOV)>, "Rosen, Scott (EOIR)" <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>, "Schwartz, Claudia R" <[\(b\)\(6\)@uscis.dhs.gov](mailto:(b)(6)@uscis.dhs.gov)>  
**Subject:** Re: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Marta

Responses to questions #1 and #4 are in the below email. Thanks.

**Annette M. Thomas**  
**Chief Systems Security & Integrity Staff**  
**DOJ/EOIR/OIT**  
**Work:** [\(703\) 605-1336](tel:7036051336)  
**Cell:** [\(b\)\(6\)](tel:(b)(6))  
**Fax** [\(703\) 305-0911](tel:7033050911)

On Jun 29, 2018, at 6:10 PM, Rothwarf, Marta (EOIR)  
<[Marta.Rothwarf@EOIR.USDOJ.GOV](mailto:Marta.Rothwarf@EOIR.USDOJ.GOV)> wrote:

(not certain if this was sent – recovered due to connection problems)

Hi Everyone,

Claudia and I just spoke and three issues have arisen with regard to CASE ISS implementation and use that I am bringing to your attention for EOIR's discussion and resolution. Claudia is copied so that she can weigh in if I didn't accurately catch everything we discussed.

<!--[if !supportLists]-->1) <!--[endif]-->Clear guidance on how we would like account requests to be submitted to EOIR. It is my understanding that in the past the USCIS Asylum Program arranged that each office submit a scanned bundled pdf containing approved individual user account requests that were submitted by a supervisory asylum officer on behalf of the office. Will this bundled approach still work for EOIR's OIT Service Desk? To avoid mass confusion on Monday, we should plan to issue clear guidance to DHS users on what is required for submitting OIT Service Desk CASE ISS user account requests.

Annette - Yes, scan bundle pdf containing approved individual user account requests submitted by a supervisory asylum officer via email on behalf of the office is acceptable to submit to the Service Desk providing that DHS provide EOIR with a list of the asylum supervisors names as indicated in the ISAs in Section 3.11 B.

<!--[if !supportLists]-->2) <!--[endif]-->Can we clarify the process that asylum officers must follow when creating NTAs for the positive credible fear cases that are being placed in removal proceedings without asylum applications? Does the current CASE ISS user guide clearly document what these users need to do – is it just a matter of not using/accessing the clock section of CASE ISS? To avoid confusion does it make sense to include a list of steps to issue: 1) basic Form I-862s, NTAs (generic and positive credible fear related NTAs) and 2) steps to issue affirmatively referred asylum-related I-862s?

<!--[if !supportLists]-->3) <!--[endif]-->Additionally, USCIS was contacted by an ICE office that was asking that in light of Pereira whether the Notice of Referral (Form I-863) also must include the date, time and location of the CF or RF review hearing? Certainly CASE ISS was created to just handle creation and issuance of Notices to Appear (NTAs) (Form I-862). Do we need to also issue guidance to DHS on the process we expect them to follow when



issuing and submitting the Form I-863, Notices of Referral?

Should *Pereira* be (b)(5) DP [REDACTED]

[REDACTED] My initial reaction and vague recall

is that *Pereira* is (b)(5) DP [REDACTED]

.  
<!--[if !supportLists]-->4) <!--[endif]-->Given the potential expansion of DHS users seeking CASE ISS account access, federation between DHS and EOIR for recognition of the DHS PIV cards for account access is now a critical need. Have we identified the correct DHS POC for this issue?

Annette - Refer to the email I sent to you today, June 30, 2018 at 4:24 am subject: Federation between EOIR & ICE.

I am including Annette, Kate and Dave on this email so that they are aware of these issues especially as they are working to update the OIT Service Desk guidance that is part of the Interconnection Security Agreements (ISAs) that we are currently revising to include recent changes to DOJ and OMB guidance and EOIR personnel and processes and any CASE ISS user guidance.

Marta

Marta Rothwarf  
Associate General Counsel/SCOP  
Executive Office for Immigration Review (EOIR)  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041  
703-305-1041 (Direct)  
(b)(6) (Mobile)  
703-305-0470 (General)  
703-305-0443 (Fax)  
[marta.rothwarf2@usdoj.gov](mailto:marta.rothwarf2@usdoj.gov)

---

**From:** Schwartz, Claudia R [<mailto:Claudia.R.Schwartz@uscis.dhs.gov>]

**Sent:** Friday, June 29, 2018 11:22 AM

**To:** Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>

**Cc:** Noferi, Mark (EOIR) <[Mark.Noferi@EOIR.USDOJ.GOV](mailto:Mark.Noferi@EOIR.USDOJ.GOV)>; Grodin, Edward (EOIR) <[Edward.Grodin@EOIR.USDOJ.GOV](mailto:Edward.Grodin@EOIR.USDOJ.GOV)>; Rothwarf, Marta

**From:** Santoro, Christopher A (EOIR)  
**To:** [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#)  
**Cc:** [Keller, Mary Beth \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#)  
**Subject:** RE: Pereira  
**Date:** Wednesday, June 27, 2018 10:20:00 AM

---

We will start rejecting today once the guidance goes out, yes – but in the D world the CAs will have to give them dates/times until ISS gets turned on for Ds. In the ND world, the director is fine with our rejecting them and telling DHS to hold onto them until ISS gets turned on.

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Maggard, Print (EOIR)  
**Sent:** Wednesday, June 27, 2018 10:14 AM  
**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>  
**Cc:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>  
**Subject:** RE: Pereira

(b)(5) DP



Print Maggard


---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Wednesday, June 27, 2018 4:24 AM  
**To:** Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>  
**Cc:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>  
**Subject:** Pereira

All,

We anticipate sending out guidance today on how the courts should handle TBD NTAs.

I am going to schedule a conference call today – in advance of sending the e-mail – for all of the CAs, ACIJs, etc. You will all get invites. (b)(5) DP



(b)(5) DP



(b)(5) DP  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Thanks,

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

**From:** Santoro, Christopher A (EOIR)  
**To:** [Baird, Michael P. \(EOIR\)](#)  
**Subject:** RE: Pereira  
**Date:** Wednesday, June 27, 2018 1:58:00 PM

---

Thanks, Mike – (b)(5) DP

It was good to see you as well!

Chris

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Baird, Michael P. (EOIR)  
**Sent:** Wednesday, June 27, 2018 1:56 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>  
**Subject:** Pereira

Good Afternoon Judge Santoro:

I was speaking to my CA a few minutes ago and she mentioned that you were hosting a meeting this afternoon about NTA filing post Pereira.

I am on detail to Oakdale this week and had a new argument presented concerning the issue this morning. I had an attorney move to terminate the case at an initial master because of Pereira. His argument was that because the Supreme Court requires the date and time to be on the NTA to be statutorily compliant, an NTA that does not contain the information "isn't an NTA" and therefore the Respondent was not validly in proceedings.

I denied the motion indicating that I thought the decision was more narrow and impacted only the stop time rule.

My C/A asked that I mention this to you as it may be another angle that OCIJ may be confronted with.

Good to see you at the conference as always!

Thanks,

Mike Baird  
Atlanta

**From:** [Couch, V. Stuart \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** FW: PEREIRA DRAFT ORDER  
**Date:** Wednesday, June 27, 2018 12:10:28 PM  
**Attachments:** [minute order - NTA and Perreira - generic - deny motion to terminate.doc](#)

---

FYI.

---

**From:** Couch, V. Stuart (EOIR)  
**Sent:** Wednesday, June 27, 2018 10:32 AM  
**To:** Madico, Beatriz A. (EOIR) <[Beatriz.Madico@EOIR.USDOJ.GOV](mailto:Beatriz.Madico@EOIR.USDOJ.GOV)>; Marques, Andressa P. (EOIR) <[Andressa.Marques@EOIR.USDOJ.GOV](mailto:Andressa.Marques@EOIR.USDOJ.GOV)>; Feeley, Catherine (EOIR) <[Catherine.Feeley@EOIR.USDOJ.GOV](mailto:Catherine.Feeley@EOIR.USDOJ.GOV)>  
**Cc:** Pettinato, Barry (EOIR) <[Barry.Pettinato@EOIR.USDOJ.GOV](mailto:Barry.Pettinato@EOIR.USDOJ.GOV)>; Holmes-Simmons, Theresa H. (EOIR) <[Theresa.Holmes-Simmons@EOIR.USDOJ.GOV](mailto:Theresa.Holmes-Simmons@EOIR.USDOJ.GOV)>; Harris, Rodger (EOIR) <[Rodger.Harris@EOIR.USDOJ.GOV](mailto:Rodger.Harris@EOIR.USDOJ.GOV)>  
**Subject:** PEREIRA DRAFT ORDER

\*\*THIS EMAIL CONTAINS INFORMATION COVERED BY THE DELIBERATIVE PROCESS PRIVILEGE AND IS NOT SUBJECT TO FOIA DISCLOSURE\*\*

Ladies,

See attached. Please clean up the SCOTUS cites as I suspect they may not be correct.

Let me know what you think.

Thanks,

VSC

**From:** [Johnson, Hunter \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** ISS - Juveniles  
**Date:** Wednesday, June 27, 2018 3:47:18 PM

---

I have not been to this party before, but...

Understanding that DHS will be entering the NTA and scheduling same; it seems that (b)(5)

DP

Basically, (b)(5) DP

Welcome back,

Hunter

**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [Cheng, Mary \(EOIR\)](#)  
**Cc:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** FW: \*\*URGENT PROCEDURE CHANGE\*\* Newly filed NTAs  
**Date:** Wednesday, June 27, 2018 3:46:05 PM  
**Importance:** High

---

**FYI**

Print Maggard

---

**From:** McDaniel, Scott (EOIR)  
**Sent:** Wednesday, June 27, 2018 12:44 PM  
**To:** All of San Francisco (EOIR) <All\_of\_SanFrancisco@EOIR.USDOJ.GOV>  
**Subject:** \*\*URGENT PROCEDURE CHANGE\*\* Newly filed NTAs  
**Importance:** High

Duplicate



**From:** [Edwards, R. Elliott \(EOIR\)](#)  
**To:** [Holmes-Simmons, Theresa H. \(EOIR\)](#); [Pettinato, Barry \(EOIR\)](#); [Couch, V. Stuart \(EOIR\)](#); [Harris, Rodger \(EOIR\)](#)  
**Cc:** [Torres, Mercedes \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Edwards, R. Elliott \(EOIR\)](#)  
**Subject:** FW: New Policy Regarding Accepting & Rejecting NTAs  
**Date:** Thursday, June 28, 2018 9:29:08 AM  
**Attachments:** [Directors 17 Jan 2018 Immigration Court performance measures with supporting OCIJ benchmarks added v1 8May2018.docx](#)

---

Good morning Judges,

### **CHALLENGE:**

According to the Director's January 17, 2018 memo, DHS will schedule initial master calendar hearings within 90 days. Yes, as of today, the Charlotte Immigration Court dockets do not have space for additional masters.

In the past, overloading the master calendar dockets has meant potential fire code violations.

### **RESPONSE:**

DHS will search for master calendar availability within 90 days. CASE will direct DHS users to the newly created "Initial Appearance Docket" (IAD) when they cannot find any slots. The IAD will "hold" cases in a queue. The court staff will receive the new NTA and reschedule the initial case to your docket sometime in the future.

I will monitor a report to assess the success of the IAD. Please let me know how this new system affects your docket.

Thank you,

Mr. Edwards

---

**From:** Edwards, R. Elliott (EOIR)  
**Sent:** Wednesday, June 27, 2018 6:58 PM  
**To:** All of Charlotte (EOIR) <AllofCharlotte@EOIR.USDOJ.GOV>  
**Subject:** New Policy Regarding Accepting & Rejecting NTAs

Good Evening Judges and Court Staff,



This afternoon, the Office of the Chief Immigration Judge (OCIJ) announced a major change in how the immigration courts will receive new Notices to Appear (NTAs) in Removal proceedings. In light of the Supreme Court decision in *Pereira v. Sessions*, the immigration court can only accept a properly filed NTA that contains **a date and time** of the initial master calendar hearing. (We can no longer receive NTAs that says the date and time of hearing is to be determined or TBD.)

To address this issue, EOIR is turning back on the Interactive Scheduling System (ISS) that some of us may remember from years ago. That process requires DHS to enter the NTA via a portal and assign a hearing date. **In other words, DHS employees will have direct access to the EOIR CASE system.** The hearing date and time must then appear on the charging document. The benefit of this process is that we will no longer need to enter NTAs – they will come pre-populated in CASE to us, as the Asylum Office referrals currently do.

There are many logistical issues to address, and I will do so in the coming days, but for now, the following protocol is immediately effective:

- The Charlotte Immigration Court will **REJECT** any **non-detained** NTA that does not contain a hearing date and time, effective immediately. The Front Desk Legal Assistant and/or Backup should confirm there are not dates and times for hearing on the face of the NTAs and return them to DHS after consulting with the Supervisory Legal Assistant. DHS will have the ability to start interactive scheduling on Monday, July 2<sup>nd</sup>. NTAs received before 2:30pm EST on Wednesday, June 27, 2018 shall not be rejected and will be processed per standing procedure.

These changes **ONLY AFFECT** Notice to Appear in Removal Proceedings. Credible/Reasonable Fear, Asylum Only and Withholding Only charging documents can continue to be accepted and processed as before. These changes apply as well to Asylum Office filings as well.

OCIJ provided this guidance for administrative purposes only.

Immigration Judges with cases that have *Pereira v. Sessions* implications should not make decisions based on the content of my emails that address administrative procedures. Judges, you should have received guidance under a separate email. Please let me know if you have any questions or concerns.

Thank you,

Mr. Edwards

**From:** [Karden, Stuart F. \(EOIR\)](#)  
**To:** [Rogers, Bert \(EOIR\) \(CTR\)](#); [Ahn, Kate \(EOIR\)](#); [Kimball, R. Wayne \(EOIR\)](#); [Mian, Darian \(EOIR\) \(CTR\)](#)  
**Cc:** [Leftwich, Andrew \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Weil, Jack \(EOIR\)](#)  
**Subject:** NTA Pleadings, Findings as well as Charges and their findings and Country(s) of Removal  
**Date:** Thursday, June 28, 2018 7:22:59 AM

---

So, this is (b)(5) DP [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Likewise, we have to do (b)(5) DP [REDACTED]  
[REDACTED] All of this has to be (b)(5) DP [REDACTED]  
[REDACTED]

Also, BTW, if it is (b)(5) DP [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The IJ also have to (b)(5) DP [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

We also have to (b)(5) DP [REDACTED]  
[REDACTED]  
[REDACTED] We have to (b)(5) DP [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

These have to (b)(5) DP [REDACTED]  
[REDACTED]

Please inform us of how this is being done. I'm asking for a response in an email as we won't have our normal Judicial Tools meeting next Wednesday, July 4, and of course, the week after that is our pilot program in San Diego and (b)(5) DP [REDACTED].

Hon. Stuart of Karden

Immigration Judge  
Orlando, Florida

**From:** Santoro, Christopher A (EOIR)  
**To:** [Cook, Brenda L. \(EOIR\)](#)  
**Subject:** RE: One more question...  
**Date:** Thursday, June 28, 2018 8:33:00 AM

---

The GOAL is to get them heard within the window.... The REQUIREMENT is to get them scheduled within the window.

In other words, we should try to get them before the judge within the window but if we can't, at a minimum their first date needs to be in the window even if we later have to reset it outside the window due to lack of space.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Cook, Brenda L. (EOIR)  
**Sent:** Thursday, June 28, 2018 8:26 AM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>  
**Subject:** One more question...

Good Morning,

The one thing I didn't ask yesterday but clearly had on my notes to ask is are the cases to be *heard or scheduled* in the 10 or 90 day period?

*Brenda L. Cook*

Court Administrator  
Executive Office for Immigration Review  
Immigration Court  
Baltimore, MD  
(410) 736-5601



**From:** [Keller, Mary Beth \(EOIR\)](#)  
**To:** [Bartolomei, Jr. Rico \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#)  
**Cc:** [Santoro, Christopher A \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Subject:** FW: Notices to Appear: Amended Procedures  
**Date:** Thursday, June 28, 2018 3:15:55 PM

---

ACIJs –

Please see the below email that will be going out to the CAs shortly from Mark Pasierb. We are hopeful that the necessary Interagency Agreement will be signed by DHS next week and they will be using ISS across the board at DHS.

One other minor (positive) tweak to what we told you on Tuesday: cases that need to be reset after the initial scheduling need not be reset every 10/90 days, into “rolling 10/90” day periods as we originally stated. That has been clarified and we are able to simply reset cases after the initial scheduling. Of course we are urged to reset cases as close to the 10/90 day time frames as possible, but there is no “rolling” reset requirement.

Thank you all – please send questions to Mark, or the Deputies.

Mtk

---

**From:** Pasierb, Mark (EOIR)  
**Sent:** Thursday, June 28, 2018 1:54 PM  
**To:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Subject:** Notices to Appear: Amended Procedures

Court Administrators,

The Interactive Scheduling System will be ready on July 2 for use, however, EOIR must complete an Interagency Agreement in order for all elements of DHS to use the system. At present only CIS Asylum has completed this agreement. Once this agreement is in place, all components of DHS will be able to use ISS.

As with detained cases, it will be necessary to provide a date for the NTAs for non-detained cases for the period without an agreement. Immigration Courts should provide the following date for non-detained cases to DHS:

**August 31, 2018**

Upon receipt, Immigration Courts should schedule the case to this date in order to track the case;

courts may use any Visiting Judge code. To summarize the procedures, note the following:

1. A Notice to Appear MUST contain Date and Time of Hearing or it must be rejected;
2. Court Administrators should provide and track blocks of time for detained hearings and track via spreadsheets;
3. Court Administrators should advise DHS that they should use August 31, 2018 until ISS is available for non-detained cases;
4. Once ISS is available, OCIJ will advise the Court Administrators and all components of DHS must use ISS.
5. CIS Asylum will be able to use ISS; Immigration Courts will begin to see NTAs scheduled by CIS and courts should make MA time available for Expedited Asylum.

**From:** [Pasierb, Mark \(EOIR\)](#)  
**To:** [All of Court Administrators \(EOIR\)](#); [Wiggs, Nicole \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Cannetti, Francesca P. \(EOIR\)](#); [Jackson, Cynthia \(EOIR\)](#); [Lawrence, Tanya \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Dufresne, Jill \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Griswold, Stephen \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Lee-Sullivan, Marcia L. \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Roldan, Martin \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#)  
**Subject:** Notices to Appear: Amended Procedures  
**Date:** Thursday, June 28, 2018 3:26:28 PM

---

Court Administrators,

The Interactive Scheduling System will be ready on July 2 for use, however, EOIR must complete an Interagency Agreement in order for all elements of DHS to use the system. At present only CIS Asylum has completed this agreement. Once this agreement is in place, all components of DHS will be able to use ISS.

As with detained cases, it will be necessary to provide a date for the NTAs for non-detained cases for the period without an agreement. Immigration Courts should provide the following date for non-detained cases to DHS:

### **August 31, 2018**

Upon receipt, Immigration Courts should schedule the case to this date in order to track the case; courts may use any Visiting Judge code. To summarize the procedures, note the following:

1. A Notice to Appear MUST contain Date and Time of Hearing or it must be rejected;
2. Court Administrators should provide and track blocks of time for detained hearings and track via spreadsheets;
3. Court Administrators should advise DHS that they should use August 31, 2018 until ISS is available for non-detained cases;
4. Once ISS is available, OCIJ will advise the Court Administrators and all components of DHS must use ISS.
5. CIS Asylum will be able to use ISS; Immigration Courts will begin to see NTAs scheduled by CIS and courts should make MA time available for Expedited Asylum.

Please let me know if you have any questions.

Cc: OCIJ Senior Staff



**From:** [Pasierb, Mark \(EOIR\)](#)  
**To:** [All of Court Administrators \(EOIR\)](#); [Wiggs, Nicole \(EOIR\)](#); [Cannetti, Francesca P. \(EOIR\)](#); [Jackson, Cynthia \(EOIR\)](#); [Lawrence, Tanya \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Dufresne, Jill \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Griswold, Stephen \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Lee-Sullivan, Marcia L. \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Roldan, Martin \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#)  
**Subject:** CASE ISS Report.pptx  
**Date:** Friday, June 29, 2018 12:19:30 PM  
**Attachments:** [CASE ISS Report.pptx](#)

---

Court Administrators,

Please see the report you can run in the CASE Report Menu under Other which will give you the cases that DHS has used Interactive Scheduling to Input, but you have not received the NTA yet. It is under the Other Menu in CASE reports—see screen shot.

Cc: OCIJ Senior Staff

**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [Cheng, Mary \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** FW: \*\*URGENT PROCEDURE CHANGE\*\* Newly filed NTAs \*\*UPDATED 6/29/2018\*\*  
**Date:** Friday, June 29, 2018 2:53:53 PM  
**Importance:** High

---

FYI

---

**From:** McDaniel, Scott (EOIR)  
**Sent:** Friday, June 29, 2018 12:59 PM  
**To:** All of San Francisco (EOIR) <All\_of\_SanFrancisco@EOIR.USDOJ.GOV>  
**Subject:** \*\*URGENT PROCEDURE CHANGE\*\* Newly filed NTAs \*\*UPDATED 6/29/2018\*\*  
**Importance:** High

Good Morning:

First, let me apologize for the various grammatical errors in my initial email. I had to get that information out very quickly and failed to proofread my draft email. I've made the grammatical corrections in this forwarded email. There are some updates to share on this issue:

- In addition to the hearing date and time, all newly filed NTAs must also contain the address of the hearing location. This information has been provided to DHS along with instruction on how to select the proper hearing location when entering an NTA. Time will tell if they do it properly.
- Assuming an NTA is properly filed and contains a hearing date, time and correct address at which to appear, staff processing newly filed NTAs do not need to send a hearing notice unless we need to change the date. DHS has been advised they must re-serve the respondent any NTA previously served on the respondent that is being served on the court for the first time that now contains a hearing date, time and location. We are proceeding under the assumption the respondent has a copy of the same NTA we have.
- **BUMPING MASTERS:** While the ISS is a good thing as it takes away a significant amount of data entry, it also presents challenges. Vacant initial master slots can be filled at any time by any DHS component scheduling cases at our court. We need to maintain our rule that a masters that needs to be bumped needs to be reset to master reset time in order to maintain initial master availability. This means we cannot transfer the masters. The cases, both initials and resets, will need to be manually reset to master reset time. When doing that, the legal assistant should immediately notify me, Maria or a Supervisory Legal Assistant once the initial masters are all adjourned so we can block the agenda before DHS adds more cases to the same slot. Those that were here when ISS was active in the past will remember the importance of blocking the initial master time quickly. My suggestion for resetting a masters is to do the following:

1. Before you start the resetting process, email/call me, Maria or a SLA to advise you're about to reset

a master and will need the agenda blocked once done. Get confirmation we're available to act once you're ready.

2. Quickly adjourn all of the initial masters
3. Email/call us once done so we can block the agenda.
4. Once you've got confirmation the agenda is blocked, reset the cases. I do not advise adjourning and resetting before requesting the agenda be blocked. Vacant initial master slots could be used within minutes.

Thanks:  
Scott

---

**From:** McDaniel, Scott (EOIR)

**Sent:** Wednesday, June 27, 2018 12:44 PM

**To:** All of San Francisco (EOIR) <All\_of\_SanFrancisco@EOIR.USDOJ.GOV>

**Subject:** \*\*URGENT PROCEDURE CHANGE\*\* Newly filed NTAs

**Importance:** High

**\*\*THIS EMAIL IS A MUST READ BY EVERYONE\*\***

Good Morning:

I was just advised by OCIJ of a major change in how the courts will receive new Notices to Appear (NTAs) in Removal proceedings. In light of the Supreme Court decision in *Pereira v. Sessions*, the immigration court can only accept a properly filed NTA that contains the date, time and location of the initial master calendar hearing. We can no longer receive NTAs that say the date and time of hearing is to be determined. Currently, every NTA we receive does not contain the hearing date. To address this issue, EOIR is turning back on the Interactive Scheduling System (ISS) that long timers will remember from years ago. That process requires DHS to enter the NTA via a portal and account on their end and a hearing date will be automatically assigned. The hearing date and time must then appear on the charging document, along with the hearing location. The benefit of this process is that we will no longer need to enter NTAs – they will come pre-populated in CASE to us, as the Asylum Office referrals currently do.

There are many logistical issues to address, and I will do so in the coming days, but for now, the following protocol is immediately effective:

- The San Francisco Immigration Court will REJECT any **non-detained** NTA

that does not contain a hearing location, date and time, effective immediately. The Intake Staff should confirm there are not dates and times for hearing on the face of the NTAs and return them to the person that delivered them at the window, citing my guidance. DHS will have the ability to start interactive scheduling on Monday, July 2<sup>nd</sup>. NTAs received prior to 12:30pm PDT on Wednesday, June 27, 2018 shall not be rejected and will be processed per standing procedure.

- The San Francisco Immigration Court will ACCEPT any **detained** NTA not containing a hearing date through the end of today, June 27<sup>th</sup> and process as per standing procedure. Effective Thursday, June 28, 2018 the SFV, SFD, JDS, PLE and TAF hearing locations will only accept NTAs that contain a hearing location and date and time of hearing. DHS Office of Chief Counsel will be provided with initial master hearing slots for each of those locations today. Starting tomorrow, all detained NTAs must contain a hearing location, date and time. For detained cases, DHS will not have ISS access until July 16, 2018. It will be incumbent upon all staff working detained dockets to schedule the initial master according to what the NTA says.

These changes ONLY AFFECT Notice to Appear in Removal Proceedings. Credible/Reasonable Fear, Asylum Only and Withholding Only charging documents can continue to be accepted and processed as before. These changes apply to Asylum Office filings as well.

There is much more information to come on this issue.

This guidance is provided for administrative purposes only. Immigration Judges with cases that have *Pereira v. Sessions* implications should not make decisions based on the content of my emails that address administrative procedure.

Thanks:

**Scott McDaniel**  
**Deputy Court Administrator**  
San Francisco Immigration Court  
100 Montgomery Street, Suite 800  
San Francisco, California 94104  
(T) 415.705.0144  
(F) 415.544.9945

**From:** Santoro, Christopher A (EOIR)  
**To:** [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#)  
**Cc:** [Keller, Mary Beth \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#)  
**Subject:** FW: DHS cases entered and scheduled today  
**Date:** Monday, July 02, 2018 2:23:00 PM

---

All,

FYSA - here is the initial report of DHS' usage of ISS to schedule non-detained cases. This is just today's early run...

ACIJs, please note that per Kate's e-mail below a communication will be coming out later today with an update. Once that arrives, it might be helpful to have your CAs start checking to see whether these are landing where we think they should... better to identify/fix any bugs sooner rather than later. Thanks.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Ahn, Kate (EOIR)  
**Sent:** Monday, July 02, 2018 2:09 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>  
**Cc:** So, Edward (EOIR) <Edward.So@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>  
**Subject:** DHS cases entered and scheduled today

Judges,

We have opened up the auto calendaring over the weekend and below are the cases schedule up today via CASE-ISS (Total:297) . Please note that CASE-ISS will continue to find available slots for the judges within that hearing location and when the available slots are run out for all judges, then the cases will be schedule to "IAD" judge. We are plan to conference in Hartford CA at 3 p.m. to validate the changes and will send out the notification to all of EOIR this afternoon. Please let me know if you have any questions.

Base City	Hear Loc Code	Session Type	Hearing Scheduled	Total
ATL	ATL	MM	Hearing Scheduled	1
BAL	BAL	MA	Hearing Scheduled	1

	BAL	MM	Hearing Scheduled	3
BOS	BOS	MA	Hearing Scheduled	4
	BOS	MM	Hearing Scheduled	2
CHI	CHI	MA	Hearing Scheduled	8
	CHI	MM	Hearing Scheduled	6
	IAD	MM	Hearing Scheduled	14
DAL	DAL	MM	Hearing Scheduled	1
HOU	HOU	MM	Hearing Scheduled	1
	IAD	MM	Hearing Scheduled	2
IMP	IAD	MM	Hearing Scheduled	1
KAN	KAN	MM	Hearing Scheduled	3
LAD	IAD	MM	Hearing Scheduled	1
LOS	LOS	MM	Hearing Scheduled	4
LOU	LOU	MM	Hearing Scheduled	1
MEM	MEM	MA	Hearing Scheduled	1
MIA	MIA	MA	Hearing Scheduled	21
	MIA	MM	Hearing Scheduled	11
NEW	NEW	MA	Hearing Scheduled	16
	NEW	MM	Hearing Scheduled	4
NYC	NYC	MA	Hearing Scheduled	23
	NYC	MM	Hearing Scheduled	108
ORL	ORL	MA	Hearing Scheduled	18

	ORL	MM	Hearing Scheduled	1
PHI	PHI	MA	Hearing Scheduled	6
	PHI	MM	Hearing Scheduled	2
POO	IAD	MM	Hearing Scheduled	3
SDC	IAD	MM	Hearing Scheduled	1
SFR	SFR	MA	Hearing Scheduled	12
	SFR	MM	Hearing Scheduled	17
Total				297

**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [Cheng, Mary \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Wilson, Donna L. \(EOIR\)](#)  
**Subject:** FW: No go for I-831  
**Date:** Monday, July 02, 2018 10:47:44 AM  
**Attachments:** [image001.png](#)  
[I831\\_Sample.pdf](#)

---

For the DCIJ meeting agenda please.

Referral





**From:** [Maggard, Print \(EOIR\)](#)  
**To:** [Keller, Mary Beth \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Subject:** Bundling of TBD received NTAs  
**Date:** Monday, July 02, 2018 2:54:03 PM  
**Attachments:** [image001.png](#)

---

I have reached out to Ken on the possibility of grouping of these NTAs to resolve quicker, with the caveat that the IJ will rule as they deem fit. He wanted to check with CIS since most of these are probably their NTAs. He will get back to me. I think he was interested in approaching the issue this way.

**PRINT MAGGARD**  
DEPUTY CHIEF IMMIGRATION JUDGE

Department of Justice  
Executive Office for Immigration Review  
Office of the Chief Immigration Judge



**From:** [Keller, Mary Beth \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Cc:** [Ahn, Kate \(EOIR\)](#)  
**Subject:** RE: DRAFT FIELD MESSAGE: Additional information on ISS and the IAD hearing location/judge  
**Date:** Tuesday, July 03, 2018 1:09:48 PM

---

See minor suggestion, I was having trouble following the 5<sup>th</sup> para. And it could be just me 😊.

Also, I will come by on para 4-

*MaryBeth Keller*

---

**From:** Ahn, Kate (EOIR)  
**Sent:** Tuesday, July 03, 2018 12:48 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>  
**Cc:** Myatt, Howard (EOIR) <Howard.Myatt@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; So, Edward (EOIR) <Edward.So@EOIR.USDOJ.GOV>  
**Subject:** RE: DRAFT FIELD MESSAGE: Additional information on ISS and the IAD hearing location/judge

Just one minor change at the bottom.

We are plan to have a conference call with Rene to hide hearing locations that are not being used and will come up with internal process to expedite service desk ticket.

I also attached DHS worksheet/notice that they print out after the scheduling. We are in process for fixing "IAD" Hearing location.

Kate.

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 3, 2018 10:39 AM  
**To:** Ahn, Kate (EOIR) <[Kate.Ahn@EOIR.USDOJ.GOV](mailto:Kate.Ahn@EOIR.USDOJ.GOV)>  
**Cc:** Myatt, Howard (EOIR) <[Howard.Myatt@EOIR.USDOJ.GOV](mailto:Howard.Myatt@EOIR.USDOJ.GOV)>; Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; So, Edward (EOIR) <[Edward.So@EOIR.USDOJ.GOV](mailto:Edward.So@EOIR.USDOJ.GOV)>  
**Subject:** DRAFT FIELD MESSAGE: Additional information on ISS and the IAD hearing location/judge

Kate & team,

Could someone kindly review my draft message below and be sure I've got it right? Also, with respect to the paragraph on the unused/inactive hearing locations, if you're ready for me to give them more specific instruction about how to use the Service Desk we can do everything in this one message. Thanks!

---

All,

We received an inquiry about whether or how CAs could control the inflow of cases scheduled by DHS using the Interactive Scheduling System (ISS). Specifically, we understand that some CAs want to ensure that all cases land on a VJ docket as opposed to the IAD docket.

As a reminder, the ISS will only place a case in the IAD hearing location (HLOC) and IAD docket if there are no other MM or MD slots available on any other judge for the HLOC DHS selects. For example, in a court with hearing locations HL1, HL2, and HL3, if DHS selects HL3 and there are MM/MD slots available on any judge's docket associated with that hearing location, ISS will grab that date/time first. It will only roll over onto the IAD docket if there is no date/time available on any judge associated with that hearing location. So what that means is that if a CA doesn't want anything to land on an IAD docket, either at all or for specific hearing locations, the CA can control that by creating a VJ docket with enough MMs/MDs to cover the needs of that hearing location.

Other examples might be: In a hybrid court, you want all "overflow" detained cases in a single place and all "overflow" non-detained cases in a different place. You can set up a VJD (VD detained) judge/docket to handle those. As long as you ensure that there are enough MD slots associated with specific hearing location(s) that they will never be "full," nothing will land on the IAD docket. Same for non-detained. As long as there are enough MMs on any or all judges (including maybe a VJN [non-detained]) within 90 days, nothing will ever land on the IAD docket.

We understand there is also a concern about existing hearing locations that we are not using but that remain active in CASE. DHS will see those (unused, but active) hearing locations in the ISS and can mistakenly schedule select those when scheduling a case. We're working on a separate fix for that and we'll provide more information as soon as we can. But as noted above, if none of your judges have available MMs or MDs associated with those unused but active hearing locations, ISS will put those cases on the IAD docket. Assuming you've decided to use the method above to prevent anything from landing on the IAD dockets, in this scenario you would know DHS selected an improper hearing location when you see something has been placed on IAD.

Finally, right now when a case is scheduled on an IAD (overflow) docket, DHS sees that and we've received questions about what IAD is and what DHS should put for a court name/address on the NTA. OIT will be changing what DHS sees so that if a case does land on IAD, (b)(5) DP

[REDACTED], since this is only an issue on IAD cases which we know will have to be re-noticed anyway once it's moved to an actual judge's docket, any issue regarding the address can be cured with our hearing notice.

Thank you for your efforts over the last several days to help us work through this change to our processes resulting from the Supreme Court's decision in *Pereira*. Please continue to let us know if you face any operational difficulties; we'll do our best to address them if we can.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

**From:** Santoro, Christopher A (EOIR)  
**To:** [Ahn, Kate \(EOIR\)](#)  
**Cc:** [Keller, Mary Beth \(EOIR\)](#)  
**Subject:** RE: Revised CASE ISS Interconnection Security Agreement  
**Date:** Tuesday, July 03, 2018 1:32:00 PM

---

Kate,

FIRST, you did not make a mistake the first time. It's all good. 😊

The answers to 2 and 3 should be as follows:

2. They should put exactly what is highlighted in the pdf you attached – the Adelanto Immigration Court with the Adelanto court address. They should not care about the judge or hearing location because the NTA doesn't require either. They just need the base city court name and the court address.

3. The returned date/time is the time they should place on the NTA. That is their scheduled hearing date and time. If the court needs to change the date or time based on docket availability, we will send out a hearing notice.

I've got to run to the tower for a bit – will be back in around 30 mins if you want to talk.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Ahn, Kate (EOIR)  
**Sent:** Tuesday, July 03, 2018 1:28 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>  
**Subject:** Fwd: Revised CASE ISS Interconnection Security Agreement

I do not want to make mistake again. Can you help what I need to reply for #2 and #3? I will stop by around 2 - 2 30. Thanks judge.

Referral



Referral

---

**From:** Rothwarf, Marta (EOIR) [<mailto:Marta.Rothwarf2@usdoj.gov>]  
**Sent:** Tuesday, July 03, 2018 11:05 AM  
**To:** Schwartz, Claudia R; Mura, Elizabeth E  
**Cc:** Noferi, Mark (EOIR); Grodin, Edward (EOIR); Anderson, Jill (EOIR); Lin, Austin (EOIR); Minton, Amy (EOIR); King, Jean (EOIR); Baptista, Christina (EOIR); Thomas, Annette (EOIR); Robinson, Donald (EOIR) (CTR); Ahn, Kate (EOIR); Robinson, Timothy (EOIR)  
**Subject:** RE: Revised CASE ISS Interconnection Security Agreement

Hi Claudia and Beth,

I received the following answer to the question as to how soon DHS should plan to file the NTA and any accompanying documents with EOIR upon data entry into CASE ISS:

Q. Upon scheduling of a case in CASE ISS and issuing the NTA – how much time in advance of a scheduled court hearing date does OCIJ require the NTA and any accompanying materials to be filed with the Immigration Courts?

A. The NTA and accompanying materials should be submitted **as soon as possible, but in no case later than 30 days before the master calendar hearing**. Cases will be bumped for failure to prosecute if materials are not

timely filed.

Can you please share this information with your other USCIS colleagues who were on the call yesterday? I am not certain that I have their names and contact information.

Additionally, the Immigration Courts will use the address information that is in CASE ISS or provided by ICE via the Form I-813 for the "IAD" cases to send out updated hearing notices. I informed OCIJ about the possibility of post-CASE ISS data entry address changes resulting from potential releases from detention after the issuance of the NTA following a positive credible fear finding. Hopefully, upon release the DHS personnel will emphasize the requirement that the respondent submit EOIR-33 Change of Address notices to the Immigration Court.

Marta

Marta Rothwarf  
Associate General Counsel/SCOP  
Executive Office for Immigration Review (EOIR)  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041  
703-305-1041 (Direct)  
(b)(6) (Mobile)  
703-305-0470 (General)  
703-305-0443 (Fax)  
[marta.rothwarf2@usdoj.gov](mailto:marta.rothwarf2@usdoj.gov)

Referral



Referral

---

**From:** Rothwarf, Marta (EOIR) [<mailto:Marta.Rothwarf2@usdoj.gov>]  
**Sent:** Monday, July 02, 2018 11:39 AM  
**To:** Schwartz, Claudia R  
**Cc:** Noferi, Mark (EOIR); Grodin, Edward (EOIR); Anderson, Jill (EOIR); Lin, Austin (EOIR); Minton, Amy (EOIR); King, Jean (EOIR); Baptista, Christina (EOIR); Thomas, Annette (EOIR); Robinson, Donald (EOIR) (CTR)  
**Subject:** Revised CASE ISS Interconnection Security Agreement

Hi Everyone,

Attached, please find the revised and updated CASE Interactive Scheduling System application (CASE ISS) Interconnection Security Agreement for the use by USCIS components of EOIR's case scheduling and notice to appear application. USCIS, please update this revised ISA to reflect current USCIS POCs and any changes in DHS/USCIS applicable guidance.

I am also working to incorporate similar updates for ISAs with CBP and ICE. These will be sent as soon as I complete my review of these two documents.

Best,

Marta

*Marta Rothwarf*  
Associate General Counsel  
Executive Office for Immigration Review (EOIR)  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041  
General - 703-305-0470



Direct - 703-305-1041

Fax - 703-305-0443

[marta.rothwarf2@usdoj.gov](mailto:marta.rothwarf2@usdoj.gov)

**From:** [McDaniel, Scott \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** RE: You around?  
**Date:** Tuesday, July 03, 2018 1:00:54 PM

---

BTW, DHS wants to get around ISS by using the August 31<sup>st</sup> date and dump everything in their office on us. I told them no. (b)(5) DP

(b)(5) DP

Boom.

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 03, 2018 9:58 AM  
**To:** McDaniel, Scott (EOIR) <[Scott.McDaniel@EOIR.USDOJ.GOV](mailto:Scott.McDaniel@EOIR.USDOJ.GOV)>  
**Subject:** RE: You around?

Actually, was hoping I could send you a draft e-mail for you to read and tell me if it's coherent.

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** McDaniel, Scott (EOIR)  
**Sent:** Tuesday, July 03, 2018 12:57 PM  
**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Subject:** RE: You around?

415 705 0144

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 03, 2018 9:56 AM  
**To:** McDaniel, Scott (EOIR) <[Scott.McDaniel@EOIR.USDOJ.GOV](mailto:Scott.McDaniel@EOIR.USDOJ.GOV)>  
**Subject:** You around?

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

**From:** [Russelburg, Mark \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge  
**Date:** Tuesday, July 03, 2018 3:16:20 PM

---

Hi Judge Santoro...it is a complicated situation in Houston...currently I have an IHP docket that is being heard 2 weeks a month by a detailed judge out of Harlingen...we currently schedule the initial master calendar according to the detailed judge agenda, but do not necessarily give the 1<sup>st</sup> available date because DHS has to have lots of lead time in order to arrange transportation from prisons all over the State of Texas to bring the respondents to deliberately set hearings that take place at a centralized prison location in Huntsville, TX...DHS has been requesting at least 30 day notice for transport...my concern is if they book to the 1<sup>st</sup> available, the transport piece may not be able to respond...let me work on this for a day or so and I will get back to you on possible approach to the IHP dilemma which is probably shared by many others tasked with IHP dockets...have a great, happy, safe 4<sup>th</sup> of July!!!...V/r...Mark

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 3, 2018 1:58 PM  
**To:** Russelburg, Mark (EOIR) <Mark.Russelburg@EOIR.USDOJ.GOV>  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge

Mark,

For right now, since ISS isn't turned on for detained, you can just select a date for IHP and give that to DHS.

Once ISS turns on, I assume (?) that DHS should see the IHP hearing location in the drop-down and select it. Are your agenda set up with only a limited number of MD slots for IHP? If so, I'm thinking the right approach would not be a blanket waiver but rather have ISS not use the 10-day window and instead set it wherever it finds an open MD on the IHP docket. Thoughts?

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Russelburg, Mark (EOIR)  
**Sent:** Tuesday, July 03, 2018 2:08 PM  
**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge

Hi Judge Santoro...can we get a waiver on ISS for IHP cases...clogging the system with 10 day hearings for respondents that may have release dates 20 years from now seems somewhat questionable...thanks...V/r...Mark

---

**From:** Santoro, Christopher A (EOIR)

**From:** [Cook, Brenda L. \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge  
**Date:** Tuesday, July 03, 2018 4:13:07 PM

---

So we can use IAD for the place holder or do we need to choose something else?

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 03, 2018 3:21 PM  
**To:** Cook, Brenda L. (EOIR) <[Brenda.Cook@EOIR.USDOJ.GOV](mailto:Brenda.Cook@EOIR.USDOJ.GOV)>  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge

OK – good luck!

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Cook, Brenda L. (EOIR)  
**Sent:** Tuesday, July 03, 2018 3:16 PM  
**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge

I think it will work. If you're saying we can use IAD as the place holder then we'll just establish it for Fridays at 9:00. No one has Friday 9:00 masters so those cases will be indistinguishable from anyone else's docket. We'll allow them about 35 per each ½ hour session. I'm trying to simulate what we receive on a weekly basis and by having 6 or 7 ½ hour slots per week, it should average to around what we would receive if DHS were serving us in person as they do every Monday.

We'll see what happens.

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 03, 2018 3:08 PM  
**To:** Cook, Brenda L. (EOIR) <[Brenda.Cook@EOIR.USDOJ.GOV](mailto:Brenda.Cook@EOIR.USDOJ.GOV)>  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge

That should work... OIT made the IAD agendas all day, every day, so if you want to take the approach below you'd need to go in and adjust the agendas accordingly but once you do that it should work out. Please just be sure you have enough IAD slots available to act as placeholders so DHS will never get a "no hearing time available" message (or whatever it says).

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Cook, Brenda L. (EOIR)**Sent:** Tuesday, July 03, 2018 1:50 PM**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>**Subject:** RE: Additional information on ISS and the IAD hearing location/judge

I vote for retaining control of our docket. What we thought about doing here is give DHS the dates using the dummy location whether it's IAD or whatever is decided (IAD every Friday), set up the slots with a specific number of cases every ½ hour, bulk moving whatever cases land there to the dates we know we have available. It's just like scheduling new cases but we'd just generate notices and mail these. This way ISS has only one place to put them and we reset in masse drawing from that Friday date. It's just simpler for us because we have so many variances to our agendas resulting from the resetting of surge cases. We're just about out of it now and can have normal agendas but not there quite yet. Thoughts?

---

**From:** Santoro, Christopher A (EOIR)**Sent:** Tuesday, July 03, 2018 1:27 PM**To:** All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>**Cc:** Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>; Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>; Ahn, Kate (EOIR) <[Kate.Ahn@EOIR.USDOJ.GOV](mailto:Kate.Ahn@EOIR.USDOJ.GOV)>; Jackson, Cynthia (EOIR) <[Cynthia.Jackson@EOIR.USDOJ.GOV](mailto:Cynthia.Jackson@EOIR.USDOJ.GOV)>; Cannetti, Francesca P. (EOIR) <[Francesca.Cannetti@EOIR.USDOJ.GOV](mailto:Francesca.Cannetti@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>; Bartolomei, Jr. Rico (EOIR) <[Rico.Bartolomei@EOIR.USDOJ.GOV](mailto:Rico.Bartolomei@EOIR.USDOJ.GOV)>; Daugherty, Daniel J. (EOIR) <[Daniel.Daugherty@EOIR.USDOJ.GOV](mailto:Daniel.Daugherty@EOIR.USDOJ.GOV)>; Feldman, Irene (EOIR) <[Irene.Feldman@EOIR.USDOJ.GOV](mailto:Irene.Feldman@EOIR.USDOJ.GOV)>; Grim, James (EOIR) <[James.Grim@EOIR.USDOJ.GOV](mailto:James.Grim@EOIR.USDOJ.GOV)>; Hoogasian, Amy C. (EOIR) <[Amy.Hoogasian@EOIR.USDOJ.GOV](mailto:Amy.Hoogasian@EOIR.USDOJ.GOV)>; Laurent, Scott (EOIR) <[Scott.Laurent@EOIR.USDOJ.GOV](mailto:Scott.Laurent@EOIR.USDOJ.GOV)>; Loprest, Jr., F. James (EOIR) <[F.James.LoprestJr@EOIR.USDOJ.GOV](mailto:F.James.LoprestJr@EOIR.USDOJ.GOV)>; Mart, H. Kevin (EOIR) <[H.Kevin.Mart@EOIR.USDOJ.GOV](mailto:H.Kevin.Mart@EOIR.USDOJ.GOV)>; Martin, Clay N. (EOIR) <[Clay.Martin@EOIR.USDOJ.GOV](mailto:Clay.Martin@EOIR.USDOJ.GOV)>; McNulty, Sheila (EOIR) <[Sheila.McNulty@EOIR.USDOJ.GOV](mailto:Sheila.McNulty@EOIR.USDOJ.GOV)>; Nadkarni, Deepali (EOIR) <[Deepali.Nadkarni@EOIR.USDOJ.GOV](mailto:Deepali.Nadkarni@EOIR.USDOJ.GOV)>; Paul, Nancy J. (EOIR) <[Nancy.Paul@EOIR.USDOJ.GOV](mailto:Nancy.Paul@EOIR.USDOJ.GOV)>; Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>; Scala, Theresa M. (EOIR) <[Theresa.Scala@EOIR.USDOJ.GOV](mailto:Theresa.Scala@EOIR.USDOJ.GOV)>; Sukkar, Elisa (EOIR) <[Elisa.Sukkar@EOIR.USDOJ.GOV](mailto:Elisa.Sukkar@EOIR.USDOJ.GOV)>; Weil, Jack (EOIR) <[Jack.Weil@EOIR.USDOJ.GOV](mailto:Jack.Weil@EOIR.USDOJ.GOV)>; Weiss, Daniel H. (EOIR) <[Daniel.Weiss@EOIR.USDOJ.GOV](mailto:Daniel.Weiss@EOIR.USDOJ.GOV)>**Subject:** Additional information on ISS and the IAD hearing location/judge

All,

We received an inquiry about whether or how CAs could control the inflow of cases scheduled by

DHS using the Interactive Scheduling System (ISS). Specifically, we understand that some CAs want to ensure that all cases land on a VJ docket as opposed to the IAD docket.

As a reminder, the ISS will only place a case in the IAD hearing location and IAD docket if there are no other MM or MD slots available on any other judge for the hearing location DHS selects. For example, in a court with hearing locations HL1, HL2, and HL3, if DHS selects HL3 and there are MM/MD slots available on any judge's docket associated with that hearing location, ISS will grab that date/time first. It will only roll over onto the IAD docket if there is no date/time available on any judge associated with that hearing location. So what that means is that if a CA doesn't want anything to land on an IAD docket, either at all or for specific hearing locations, the CA can control that by creating a VJ docket with enough MMs/MDs to cover the needs of that hearing location.

Other examples might be: In a hybrid court, you want all "overflow" detained cases in a single place and all "overflow" non-detained cases in a different place. You can set up a VJD (VD detained) judge/docket to handle those. As long as you ensure that there are enough MD slots associated with specific hearing location(s) that they will never be "full," nothing will land on the IAD docket. Same for non-detained. As long as there are enough MMs on any or all judges (including maybe a VJN [non-detained]) within 90 days, nothing will ever land on the IAD docket.

We understand there is also a concern about existing hearing locations that we are not using but that remain active in CASE. DHS will see those (unused, but active) hearing locations in the ISS and can mistakenly schedule select those when scheduling a case. We're working on a separate fix for that and we'll provide more information as soon as we can. But as noted above, if none of your judges have available MMs or MDs associated with those unused but active hearing locations, ISS will put those cases on the IAD docket. Assuming you've decided to use the method above to prevent anything from landing on the IAD dockets, in this scenario you would know DHS selected an improper hearing location when you see something has been placed on IAD.

Finally, right now when a case is scheduled on an IAD (overflow) docket, DHS sees that and we've received questions about what IAD is and what DHS should put for a court name/address on the NTA. OIT will be changing what DHS sees so that if a case does land on IAD, DHS's worksheet will be populated with the hearing location name and address. In this scenario, since this is only an issue on IAD cases which we know will have to be re-noticed anyway once it's moved to an actual judge's docket, any issue regarding the address can be cured with our hearing notice.

Thank you for your efforts to help us work through this change to our processes resulting from the Supreme Court's decision in *Pereira*. Please continue to let us know if you face any operational difficulties; we'll do our best to address them if we can.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

**From:** [Davis, J.Thomas \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** RE: Additional information on ISS and the IAD hearing location/judge  
**Date:** Tuesday, July 03, 2018 5:27:06 PM

---

Judge Santoro,

Good afternoon. Since VJ dockets with vacant MM slots will assist with cases not being sent to the IAD dockets will it be possible for the VJ dockets to be in the last rotation so to speak prior to cases going to the IAD dockets? My preference would be (b)(5) DP

[REDACTED]

[REDACTED]

[REDACTED]

I hope this question makes sense.

My understanding from the conference call was we are allowed to set up the IAD dockets in whatever manner we feel is best to handle any "spill over" settings. This afternoon I modified all the months which had already been populated with IAD dockets. I did not want a full day of master calendars every 30 minutes for every day of the month. For now I am using two Fridays a month with 8 MM dockets per day (120 settings a day). I modified the daily IAD agenda in order to make establishing these Friday dockets easier to establish. In addition to the sitting IJs MM slots I created a VJ5 docket to provide additional MM slots and have utilized the last Friday for those cases. Until this plan goes into play I am merely guessing at what will come in from DHS. However, I didn't want to deal with a lot of dates initially....just trying to herd the cats into a smaller area if possible.

If I am off base on any of this information/assumptions/rational, I know you will tell me and I will adjust accordingly.

Have a great 4<sup>th</sup> (Hope you are already gone for the holiday...I am about to head out in a few minutes).

Take care.

Tom

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 03, 2018 12:27 PM  
**To:** All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>  
**Cc:** Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>; Ahn, Kate (EOIR) <Kate.Ahn@EOIR.USDOJ.GOV>; Jackson, Cynthia (EOIR) <Cynthia.Jackson@EOIR.USDOJ.GOV>; Cannetti, Francesca P. (EOIR) <Francesca.Cannetti@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR)

<Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR)  
<Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>;  
Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR)  
<Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil,  
Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR)  
<Daniel.Weiss@EOIR.USDOJ.GOV>

**Subject:** Additional information on ISS and the IAD hearing location/judge

All,

Duplicate





Duplicate



**Christopher A. Santoro**

Deputy Chief Immigration Judge

**From:** [Long, Cynthia \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** FW: Pereira Resets  
**Date:** Friday, July 06, 2018 9:49:19 AM  
**Attachments:** [OPPM00-01Revised.pdf](#)

---

Hello Judge,

This is just an FYI. I sent this information to some of my colleagues yesterday regarding FTPs.

Have a great weekend.

Cynthia

---

**From:** Long, Cynthia (EOIR)  
**Sent:** Thursday, July 05, 2018 9:28 PM  
**To:** Rodriguez, Jorge (EOIR) <Jorge.Rodriguez@EOIR.USDOJ.GOV>; Cicolini, Pietro (EOIR) <Pietro.Cicolini@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>  
**Cc:** Hess, Chris (EOIR) <Chris.Hess@EOIR.USDOJ.GOV>; Edwards, R. Elliott (EOIR) <R.Elliott.Edwards@EOIR.USDOJ.GOV>; Kerr, Stephanie L (EOIR) <Stephanie.Kerr@EOIR.USDOJ.GOV>; Johnson, Hunter (EOIR) <Hunter.Johnson@EOIR.USDOJ.GOV>; Parsons, Christina E. (EOIR) <Christina.Parsons@EOIR.USDOJ.GOV>; Cervantes, Rene (EOIR) <Rene.Cervantes@EOIR.USDOJ.GOV>; Viray, Glenda (EOIR) <Glenda.Viray@EOIR.USDOJ.GOV>; Cook, Brenda L. (EOIR) <Brenda.Cook@EOIR.USDOJ.GOV>; Russelburg, Mark (EOIR) <Mark.Russelburg@EOIR.USDOJ.GOV>; Burke, Jason (EOIR) <Jason.Burke@EOIR.USDOJ.GOV>; McDaniel, Scott (EOIR) <Scott.McDaniel@EOIR.USDOJ.GOV>; Jauregui, Maria (EOIR) <Maria.Jauregui@EOIR.USDOJ.GOV>  
**Subject:** RE: Pereira Resets

Hello All,

We have to make sure we do not start doing things that are in contradiction to policy, procedures or regulations.

This is from the ICPM:

**(b) Failure to prosecute.** — On occasion, an initial hearing is scheduled before the Department of Homeland Security (DHS) has been able to file a Notice to Appear with the Immigration Court. For example, DHS may serve a Notice to Appear, which contains a hearing date, on an alien, but not file the Notice to Appear with the court until some time later. Where DHS has not filed the Notice to Appear with the court by the time of the first hearing, this is known as a “failure to prosecute.” If there is a failure to prosecute, the respondent and counsel may be excused until DHS files the Notice to Appear with the court, at which time a hearing is scheduled. Alternatively, at the discretion of the Immigration Judge, the hearing may go forward if both parties are present in court and DHS files the Notice to Appear in court at the hearing.

**Since we are extending the ISS beyond USCIS, below is an excerpt from OPPM 00-01 regarding FTP (full OPPM attached) that we may be able to use in this process:**

**"SCHEDULING ASYLUM CASES ON THE COURT CALENDAR**

The following are the policies and procedures for scheduling master and individual calendars.

A. Failure to Prosecute: In the event the Asylum Office files the charging document with the court less than seven (7) days prior to the scheduled Master Calendar hearing, the Court will deem the case a Failure to Prosecute (FTP). If this should occur, the case may not go forward as originally scheduled even if the applicant appears, unless the Court Administrator determines that there is sufficient time to create the Record of Proceedings (ROP).

If the charging document is filed less than seven (7) days prior to the hearing and the case does not go forward at that time, the Court should deliver personal notice to the applicant of any rescheduled hearing whenever possible. When this cannot be done, notice of future hearings may be made by routine service. 8 C.F.R. § 103.5a (a)(1). If the charging document is not filed with the Court at all, the applicant should be advised of the reason why the case cannot proceed.

B. Charging Documents: Court personnel shall ensure that all charging documents satisfy the filing requirements set forth in the Uniform Docketing System Manual. Documents should not be rejected because of minor typographical errors. Substantive deficiencies must be decided by the Master Calendar Judge. It is....."

Cynthia

---

**From:** Rodriguez, Jorge (EOIR)

**Sent:** Tuesday, July 03, 2018 3:08 PM

**To:** Cicolini, Pietro (EOIR) <[Pietro.Cicolini@EOIR.USDOJ.GOV](mailto:Pietro.Cicolini@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>

**Cc:** Hess, Chris (EOIR) <[Chris.Hess@EOIR.USDOJ.GOV](mailto:Chris.Hess@EOIR.USDOJ.GOV)>; Edwards, R. Elliott (EOIR) <[R.Elliott.Edwards@EOIR.USDOJ.GOV](mailto:R.Elliott.Edwards@EOIR.USDOJ.GOV)>; Kerr, Stephanie L (EOIR) <[Stephanie.Kerr@EOIR.USDOJ.GOV](mailto:Stephanie.Kerr@EOIR.USDOJ.GOV)>; Johnson, Hunter (EOIR) <[Hunter.Johnson@EOIR.USDOJ.GOV](mailto:Hunter.Johnson@EOIR.USDOJ.GOV)>; Parsons, Christina E. (EOIR) <[Christina.Parsons@EOIR.USDOJ.GOV](mailto:Christina.Parsons@EOIR.USDOJ.GOV)>; Cervantes, Rene (EOIR) <[Rene.Cervantes@EOIR.USDOJ.GOV](mailto:Rene.Cervantes@EOIR.USDOJ.GOV)>; Viray, Glenda (EOIR) <[Glenda.Viray@EOIR.USDOJ.GOV](mailto:Glenda.Viray@EOIR.USDOJ.GOV)>; Long, Cynthia (EOIR) <[Cynthia.Long@EOIR.USDOJ.GOV](mailto:Cynthia.Long@EOIR.USDOJ.GOV)>; Cook, Brenda L. (EOIR) <[Brenda.Cook@EOIR.USDOJ.GOV](mailto:Brenda.Cook@EOIR.USDOJ.GOV)>; Russelburg, Mark (EOIR) <[Mark.Russelburg@EOIR.USDOJ.GOV](mailto:Mark.Russelburg@EOIR.USDOJ.GOV)>; Burke, Jason (EOIR) <[Jason.Burke@EOIR.USDOJ.GOV](mailto:Jason.Burke@EOIR.USDOJ.GOV)>; McDaniel, Scott (EOIR) <[Scott.McDaniel@EOIR.USDOJ.GOV](mailto:Scott.McDaniel@EOIR.USDOJ.GOV)>; Jauregui, Maria (EOIR) <[Maria.Jauregui@EOIR.USDOJ.GOV](mailto:Maria.Jauregui@EOIR.USDOJ.GOV)>

**Subject:** RE: Pereira Resets

Hello all,

Mark, instead of waiting to process an FTP for an NTA we do not have, can we delete the entire case by a set date (say 10 calendar days before the scheduled non-detained, and 3 calendar days before a detained hearing) in the absence of such document?

Sincerely,  
Jorge

---

**From:** Cicolini, Pietro (EOIR)  
**Sent:** Tuesday, July 03, 2018 2:54 PM  
**To:** Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>  
**Cc:** Hess, Chris (EOIR) <[Chris.Hess@EOIR.USDOJ.GOV](mailto:Chris.Hess@EOIR.USDOJ.GOV)>; Edwards, R. Elliott (EOIR) <[R.Elliott.Edwards@EOIR.USDOJ.GOV](mailto:R.Elliott.Edwards@EOIR.USDOJ.GOV)>; Kerr, Stephanie L (EOIR) <[Stephanie.Kerr@EOIR.USDOJ.GOV](mailto:Stephanie.Kerr@EOIR.USDOJ.GOV)>; Johnson, Hunter (EOIR) <[Hunter.Johnson@EOIR.USDOJ.GOV](mailto:Hunter.Johnson@EOIR.USDOJ.GOV)>; Parsons, Christina E. (EOIR) <[Christina.Parsons@EOIR.USDOJ.GOV](mailto:Christina.Parsons@EOIR.USDOJ.GOV)>; Cervantes, Rene (EOIR) <[Rene.Cervantes@EOIR.USDOJ.GOV](mailto:Rene.Cervantes@EOIR.USDOJ.GOV)>; Viray, Glenda (EOIR) <[Glenda.Viray@EOIR.USDOJ.GOV](mailto:Glenda.Viray@EOIR.USDOJ.GOV)>; Long, Cynthia (EOIR) <[Cynthia.Long@EOIR.USDOJ.GOV](mailto:Cynthia.Long@EOIR.USDOJ.GOV)>; Cook, Brenda L. (EOIR) <[Brenda.Cook@EOIR.USDOJ.GOV](mailto:Brenda.Cook@EOIR.USDOJ.GOV)>; Russelburg, Mark (EOIR) <[Mark.Russelburg@EOIR.USDOJ.GOV](mailto:Mark.Russelburg@EOIR.USDOJ.GOV)>; Burke, Jason (EOIR) <[Jason.Burke@EOIR.USDOJ.GOV](mailto:Jason.Burke@EOIR.USDOJ.GOV)>; Rodriguez, Jorge (EOIR) <[Jorge.Rodriguez@EOIR.USDOJ.GOV](mailto:Jorge.Rodriguez@EOIR.USDOJ.GOV)>; McDaniel, Scott (EOIR) <[Scott.McDaniel@EOIR.USDOJ.GOV](mailto:Scott.McDaniel@EOIR.USDOJ.GOV)>; Jauregui, Maria (EOIR) <[Maria.Jauregui@EOIR.USDOJ.GOV](mailto:Maria.Jauregui@EOIR.USDOJ.GOV)>  
**Subject:** Pereira Resets

Mark (and CAAC members),  
Happy 4<sup>th</sup> to everyone, hope you enjoy the time off.

**ADJ. CODE.** Any word yet on the adjournment code to use when resetting cases from the IAD to actual judge dockets? Can we use 64 (reassignment of IJ)?

**CROWD CONTROL.** For the situation where a respondent is set for a date from the IAD pool or a VJ pool, and we don't receive an NTA yet, I understand the case will be an FTP. But what can we do to prevent the respondents from coming in that day? I worry about a heavy FTP day, where our waiting area is full of folks who will be FTP'd. To address that, I would want to FTP any unfiled NTA within 7 days of an IAD/VJ hearing. (The 7 day time frame is to give time to the mail to deliver to the respondent), but it can be time period). I was thinking about sending a stock letter about the FTP to the affected respondents prior to the IAD hearing. The letter would state not to come in, because we have not received their NTA. Again, this is motivated by crowd control concerns.

**MASTER FILINGS.** Lastly, related to FTP. Are we allowing DHS to file an NTA during master hearings to recalendar an FTP case? In Boston and Hartford, we do not allow DHS to file NTAs during master calendars. All NTA filings go through the window. I'd like to stick to that policy, but wondered if anything was being discussed related to this procedure.

---

Peter Cicolini  
Court Administrator  
[Immigration Court - Hartford, CT](#)  
860-240-3881

---

**From:** Pasierb, Mark (EOIR)

**Sent:** Thursday, June 28, 2018 11:22 AM

**To:** All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>; Cannetti, Francesca P. (EOIR) <[Francesca.Cannetti@EOIR.USDOJ.GOV](mailto:Francesca.Cannetti@EOIR.USDOJ.GOV)>; Jackson, Cynthia (EOIR) <[Cynthia.Jackson@EOIR.USDOJ.GOV](mailto:Cynthia.Jackson@EOIR.USDOJ.GOV)>; Lawrence, Tanya (EOIR) <[Tanya.Lawrence@EOIR.USDOJ.GOV](mailto:Tanya.Lawrence@EOIR.USDOJ.GOV)>; Bartolomei, Jr. Rico (EOIR) <[Rico.Bartolomei@EOIR.USDOJ.GOV](mailto:Rico.Bartolomei@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>; Daugherty, Daniel J. (EOIR) <[Daniel.Daugherty@EOIR.USDOJ.GOV](mailto:Daniel.Daugherty@EOIR.USDOJ.GOV)>; Dufresne, Jill (EOIR) <[Jill.DuFresne@EOIR.USDOJ.GOV](mailto:Jill.DuFresne@EOIR.USDOJ.GOV)>; Feldman, Irene (EOIR) <[Irene.Feldman@EOIR.USDOJ.GOV](mailto:Irene.Feldman@EOIR.USDOJ.GOV)>; Grim, James (EOIR) <[James.Grim@EOIR.USDOJ.GOV](mailto:James.Grim@EOIR.USDOJ.GOV)>; Griswold, Stephen (EOIR) <[Stephen.Griswold@EOIR.USDOJ.GOV](mailto:Stephen.Griswold@EOIR.USDOJ.GOV)>; Hoogasian, Amy C. (EOIR) <[Amy.Hoogasian@EOIR.USDOJ.GOV](mailto:Amy.Hoogasian@EOIR.USDOJ.GOV)>; Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Laurent, Scott (EOIR) <[Scott.Laurent@EOIR.USDOJ.GOV](mailto:Scott.Laurent@EOIR.USDOJ.GOV)>; Lee-Sullivan, Marcia L. (EOIR) <[Marcia.Lee-Sullivan@EOIR.USDOJ.GOV](mailto:Marcia.Lee-Sullivan@EOIR.USDOJ.GOV)>; Loprest, Jr., F. James (EOIR) <[F.James.LoprestJr@EOIR.USDOJ.GOV](mailto:F.James.LoprestJr@EOIR.USDOJ.GOV)>; Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Manna, Karen (EOIR) <[Karen.Manna@EOIR.USDOJ.GOV](mailto:Karen.Manna@EOIR.USDOJ.GOV)>; Mart, H. Kevin (EOIR) <[H.Kevin.Mart@EOIR.USDOJ.GOV](mailto:H.Kevin.Mart@EOIR.USDOJ.GOV)>; Martin, Clay N. (EOIR) <[Clay.Martin@EOIR.USDOJ.GOV](mailto:Clay.Martin@EOIR.USDOJ.GOV)>; McNulty, Sheila (EOIR) <[Sheila.McNulty@EOIR.USDOJ.GOV](mailto:Sheila.McNulty@EOIR.USDOJ.GOV)>; Murry, Anthony (EOIR) <[Anthony.Murry@EOIR.USDOJ.GOV](mailto:Anthony.Murry@EOIR.USDOJ.GOV)>; Nadkarni, Deepali (EOIR) <[Deepali.Nadkarni@EOIR.USDOJ.GOV](mailto:Deepali.Nadkarni@EOIR.USDOJ.GOV)>; Ortiz-Ang, Susana (EOIR) <[Susana.Ortiz-Ang@EOIR.USDOJ.GOV](mailto:Susana.Ortiz-Ang@EOIR.USDOJ.GOV)>; Paul, Nancy J. (EOIR) <[Nancy.Paul@EOIR.USDOJ.GOV](mailto:Nancy.Paul@EOIR.USDOJ.GOV)>; Perron, Raymond (EOIR) <[Raymond.Perron@EOIR.USDOJ.GOV](mailto:Raymond.Perron@EOIR.USDOJ.GOV)>; Roldan, Martin (EOIR) <[Martin.Roldan@EOIR.USDOJ.GOV](mailto:Martin.Roldan@EOIR.USDOJ.GOV)>; Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>; Scala, Theresa M. (EOIR) <[Theresa.Scala@EOIR.USDOJ.GOV](mailto:Theresa.Scala@EOIR.USDOJ.GOV)>; Sukkar, Elisa (EOIR) <[Elisa.Sukkar@EOIR.USDOJ.GOV](mailto:Elisa.Sukkar@EOIR.USDOJ.GOV)>; Weil, Jack (EOIR) <[Jack.Weil@EOIR.USDOJ.GOV](mailto:Jack.Weil@EOIR.USDOJ.GOV)>; Weiss, Daniel H. (EOIR) <[Daniel.Weiss@EOIR.USDOJ.GOV](mailto:Daniel.Weiss@EOIR.USDOJ.GOV)>; Wiggs, Nicole (EOIR) <[Nicole.Wiggs@EOIR.USDOJ.GOV](mailto:Nicole.Wiggs@EOIR.USDOJ.GOV)>

**Subject:**

Court Administrators,

Please see the attached Interactive Scheduling System User Guide. This can be shared with DHS and it is also for your reference to understand how the system works. Please let me know if you have any questions. This guide will also be available on DHS' page as they enter cases.

Cc: OCIJ Senior Staff

**From:** [Couch, V. Stuart \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#)  
**Subject:** PEREIRA  
**Date:** Friday, July 06, 2018 5:52:45 PM  
**Attachments:** [minute order - 054 - NTA and Pereira - generic - deny motion to terminate.doc](#)

---

FYI -- issued my first decision related to *Pereira v. Sessions* today (attached). Will let you know what happens.

Stu

**From:** [Lyew, Samantha \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** effective date for CLAD's forthcoming NTA talker  
**Date:** Monday, July 09, 2018 4:15:47 PM

---

Hi Chris-

CLAD is developing a talker about the new policy for NTAs that requires a time/date to be filled in on the NTA. We want to say "As of [insert effective date], the Executive Office for Immigration Review has instituted a change regarding requirements for filing notices to appear (NTAs)..."

(b)(5) DP [REDACTED] If not,  
what date should we use?

Thanks!

Sami

**From:** [Lin, Austin \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Cc:** [Rosen, Scott \(EOIR\)](#)  
**Subject:** FW: CLAD NTA/Pereira Language for Review  
**Date:** Wednesday, July 11, 2018 11:30:04 AM

---

Good Morning Judge Santoro,

Please let us know if you would like any changes made to CLAD's language on the new Pereira / NTA policy below. Thanks!

Best,  
Austin

---

**From:** Lyew, Samantha (EOIR)  
**Sent:** Tuesday, July 10, 2018 4:16 PM  
**To:** Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>  
**Subject:** New NTA Talker for CLAD

Hi Scott and Austin-

CLAD developed the talker below related to the new NTA policy. Please let us know if you/OCIJ have any concerns or edits. Thank you!

As of June 27, 2018, the Executive Office for Immigration Review has instituted a change regarding requirements for filing notices to appear (NTAs) with the immigration courts, consistent with the Supreme Court decision, *Pereira v. Sessions*, 585 U.S. \_\_\_\_ (2018). A properly filed NTA must contain the date and time of the initial master calendar hearing. The immigration courts will not accept NTAs indicating "to be determined" (TBD) as the hearing date and time. Parties with pending cases should raise issues related to NTAs where TBD is specified for the hearing date and time with the immigration judge, who will decide the issues according to controlling case law, statutes, and regulations.

Best,  
Sami



**From:** Edwards, R. Elliott (EOIR)  
**To:** Santoro, Christopher A (EOIR)  
**Subject:** FW: NTA's  
**Date:** Wednesday, July 11, 2018 11:48:30 AM  
**Attachments:** image001.png

Good morning – FYI - Keeping you in the loop of CA discussions in the field

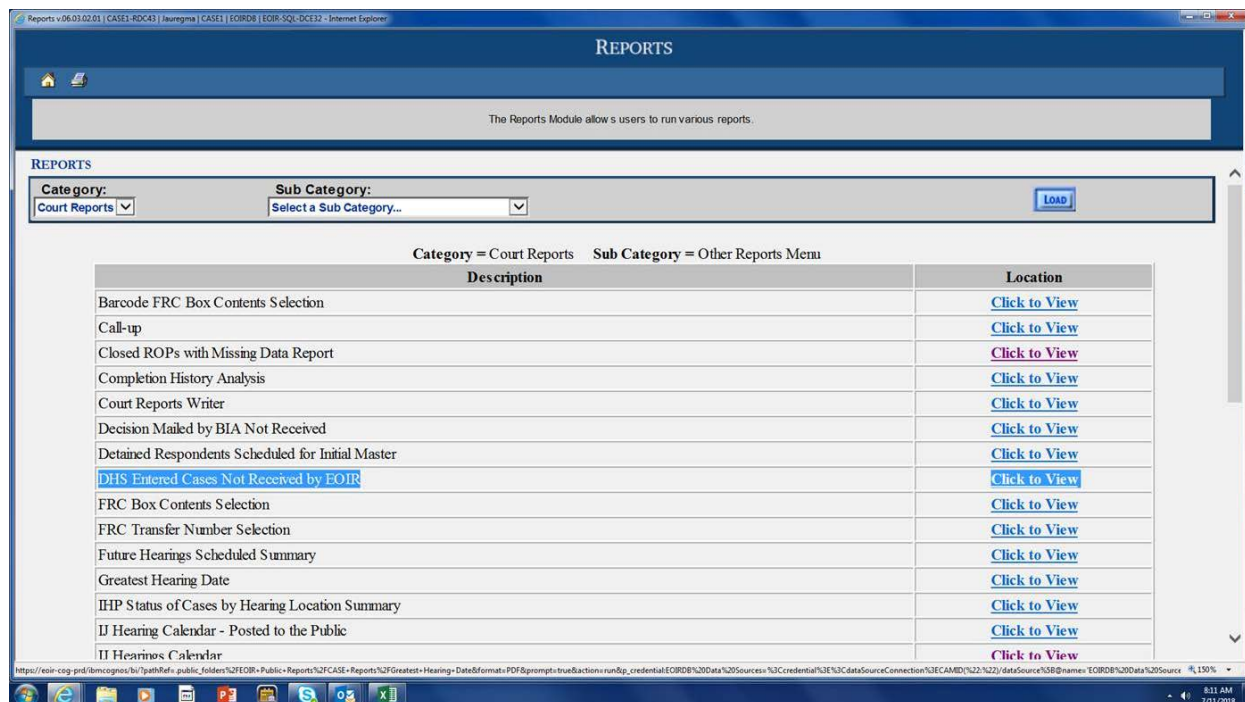
**From:** Jauregui, Maria (EOIR)

**Sent:** Wednesday, July 11, 2018 11:15 AM

**To:** Cunningham, Jennifer L. (EOIR) <Jennifer.Cunningham@EOIR.USDOJ.GOV>; Ponce De Leon, Daniel (EOIR) <Daniel.PonceDeLeon@EOIR.USDOJ.GOV>; Cicolini, Pietro (EOIR) <Pietro.Cicolini@EOIR.USDOJ.GOV>; All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>

**Subject:** RE: NTA's

In SFR we find it easier to provide DHS with the report of NTA's not yet received about 2-3 weeks before the scheduled hearing. Providing this report is way easier than dealing with FTP's in court and respondents showing up at window upset about not having a hearing. We also avoid the future DHS filing a motion to re-calendar & NTA. We send the report to our local OCC, and they figure out where the NTA is at and get it to us before the hearing.



Maria Jauregui  
Court Administrator  
U.S. Department of Justice  
Executive Office for Immigration Review  
San Francisco Immigration Court  
100 Montgomery Street Suite 800  
San Francisco CA 94104  
415.705.0164

**From:** Cunningham, Jennifer L. (EOIR)

**Sent:** Wednesday, July 11, 2018 7:36 AM

**To:** Ponce De Leon, Daniel (EOIR) <Daniel.PonceDeLeon@EOIR.USDOJ.GOV>; Cicolini, Pietro (EOIR) <Pietro.Cicolini@EOIR.USDOJ.GOV>; All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>

**Subject:** RE: NTA's

Good morning,

We don't create the ROPs until we receive the NTA. I agree with Danny.

No non-detained NTAs yet, but a great increase on credible fears at PIS.

**From:** Ponce De Leon, Daniel (EOIR)

**Sent:** Tuesday, July 10, 2018 4:31 PM

**To:** Cicolini, Pietro (EOIR) <Pietro.Cicolini@EOIR.USDOJ.GOV>; All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>

**Subject:** RE: NTA's

Peter - We will not make up any files, it's a waste of a ROP and barcode.

Alex – we have not received any NTAs yet.

Danny

**From:** Cicolini, Pietro (EOIR)

**Sent:** Tuesday, July 10, 2018 3:50 PM

**To:** All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>

**Subject:** RE: NTA's

For all the inevitable FTPs we are about to have, are you printing up the barcode label and creating an ROP?  
Is there any reason to do that?  
The folder will just be the barcode label and the worksheet. Will you store the FTP case files anywhere?

---

**From:** Roder James (EOIR)

**Sent:** Tuesday, July 10, 2018 4:16 PM

**To:** Revelle, Alec (EOIR) <[Alec.Revelle@EOIR.USDOJ.GOV](mailto:Alec.Revelle@EOIR.USDOJ.GOV)>; All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>

**Subject:** RE: NTA's

Alec

Cleveland has for the detained. We have been providing blocks of time on specific dates and that is what they are putting on the NTA's...and then filing. They have not really entered by ISS yet...it may be a MOU has not been signed yet. We just had conversations w/ CIS Asylum Office in Chicago who seem to be using the ISS. It has really been a dance to keep things from getting messed up but so far ok...

BR

---

**From:** Revelle, Alec (EOIR)

**Sent:** Tuesday, July 10, 2018 3:20 PM

**To:** All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>

**Subject:** FW: NTA's

I meant to send this to all of you...please see below...

---

**From:** Revelle, Alec (EOIR)

**Sent:** Tuesday, July 10, 2018 1:17 PM

**To:** All of Salt Lake City (EOIR) <[All\\_of\\_SaltLakeCity@EOIR.USDOJ.GOV](mailto:All_of_SaltLakeCity@EOIR.USDOJ.GOV)>

**Subject:** NTA's

Has anyone received any NTA's under the new process? We haven't in SLC yet and I am just wondering how it has been for those who have. I am a little concerned that all of a sudden they are going to dump a bunch of NTA's on us. Thanks.—Alec—

**From:** [Pasierb, Mark \(EOIR\)](#)  
**To:** [All of Court Administrators \(EOIR\)](#)  
**Cc:** [Ahn, Kate \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Dufresne, Jill \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Griswold, Stephen \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Lee-Sullivan, Marcia L. \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Roldan, Martin \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#); [Wiggs, Nicole \(EOIR\)](#)  
**Subject:** Interactive Scheduling for Detained Cases  
**Date:** Wednesday, July 11, 2018 5:12:01 PM

---

Court Administrators,

Interactive Scheduling will not be applied to detained cases; NTAs for detained cases will be scheduled by the Immigration Courts. Interactive Scheduling has already been opened for non-detained cases as you know. This will not change. Please let me know if you have any questions.

Cc: OCIJ Senior Staff

**From:** Santoro, Christopher A (EOIR)  
**To:** [Keller, Mary Beth \(EOIR\)](#)  
**Subject:** New Pereira guidance  
**Date:** Wednesday, July 11, 2018 12:52:00 PM

---

FYI – James gave me explicit instructions (in person) about what to do with that message... we had no authority to alter.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

**From:** [Nadkarni, Deepali \(EOIR\)](#)  
**To:** [Cheng, Mary \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)  
**Cc:** [Santoro, Christopher A \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#)  
**Subject:** RE: Pereira  
**Date:** Monday, July 09, 2018 5:15:39 PM

---

Hi, Print and Mary. Is there guidance or a BIA decision in the works? Thanks. Dee

Dee Nadkarni  
Assistant Chief Immigration Judge  
703.305.1247

---

**From:** Cheng, Mary (EOIR)  
**Sent:** Monday, June 25, 2018 7:06 PM  
**To:** Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) <Jill.DuFresne@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Griswold, Stephen (EOIR) <Stephen.Griswold@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>  
**Cc:** Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>  
**Subject:** Pereira

Judges,

Good evening. Has anyone disseminated any specific guidance to their IJs on Pereira? Please let Print and I know ASAP. Thank you

Mary Cheng  
Deputy Chief Immigration Judge

**From:** Santoro, Christopher A (EOIR)  
**To:** [McHenry, James \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#)  
**Cc:** [Reilly, Katherine \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#)  
**Subject:** RE: Pereira  
**Date:** Wednesday, July 11, 2018 12:39:00 PM

---

Got it

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** McHenry, James (EOIR)  
**Sent:** Wednesday, July 11, 2018 12:39 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>  
**Cc:** Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Sheehey, Kate (EOIR) <Kate.Sheehey@EOIR.USDOJ.GOV>  
**Subject:** Pereira

Please send this out to all of OCIJ today:

The Department has concluded that, even after *Pereira*, EOIR should accept Notices to Appear that do not contain the time and place of the hearing. Accordingly, effective immediately, courts should begin accepting TBD NTAs.

**From:** [Santoro, Christopher A \(EOIR\)](#)  
**To:** [All of OCIJ HDQ and Courts \(EOIR\)](#)  
**Subject:** Pereira v. Sessions (TBD NTAs) - updated guidance  
**Date:** Wednesday, July 11, 2018 12:45:00 PM  
**Importance:** High

---

All,

The Department has concluded that, even after *Pereira*, EOIR should accept Notices to Appear that do not contain the time and place of the hearing. Accordingly, effective immediately, courts should begin accepting TBD NTAs.

[The message above supersedes the guidance below.](#)

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Wilson, Donna L. (EOIR)  
**Sent:** Wednesday, June 27, 2018 1:48 PM  
**To:** Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>; All of Judges (EOIR) <All\_of\_Judges@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>; Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-Ang@EOIR.USDOJ.GOV>; Manna, Karen (EOIR) <Karen.Manna@EOIR.USDOJ.GOV>; Kuschel, Mark (EOIR) <Mark.Kuschel@EOIR.USDOJ.GOV>  
**Subject:** Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Judges and Court Administrators:

The purpose of this email is to provide guidance on the processing of NTAs following the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. \_\_\_\_ (2018).

- **NTAs.** Effective immediately, NTAs filed at the window that do not specify the time and place of the hearing should be rejected.
- **Non-detained Cases.** We anticipate that beginning Monday, July 2, 2018, the Interactive Scheduling System (ISS) will be available for the Department of Homeland Security to schedule hearings in non-detained cases.
- **Detained Cases.** We anticipate that beginning Monday, July 16, 2018, ISS will be available for DHS to schedule hearings in detained cases.
- **Pending Cases.** For pending cases, Immigration Judges should continue to address issues raised by the parties regarding the NTA on a case-by-case basis in accordance

with controlling case law, statutes, and regulations.

Court Administrators are reminded that a conference call with Deputy Chief Immigration Judge Christopher Santoro is scheduled for 2:30 EDT this afternoon to provide further guidance regarding the processing of NTAs.

If you have any questions, please contact your Assistant Chief Immigration Judge.

*MaryBeth Keller*

Chief Immigration Judge

U. S. Department of Justice

Executive Office for Immigration Review

[Mary.Beth.Keller@usdoj.gov](mailto:Mary.Beth.Keller@usdoj.gov)

703-305-1247



**From:** Santoro, Christopher A (EOIR)  
**To:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#)  
**Cc:** [King, Jean \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#)  
**Subject:** FW: Pereira v. Sessions (TBD NTAs) - updated guidance  
**Date:** Wednesday, July 11, 2018 12:46:00 PM  
**Importance:** High

---

FYSA

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Wednesday, July 11, 2018 12:45 PM  
**To:** All of OCIJ HDQ and Courts (EOIR) <AllofOCIJHDQandCourts@EOIR.USDOJ.GOV>  
**Subject:** Pereira v. Sessions (TBD NTAs) - updated guidance  
**Importance:** High

All,

Duplicate



**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Wilson, Donna L. (EOIR)  
**Sent:** Wednesday, June 27, 2018 1:48 PM  
**To:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>; All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>; All of Judges (EOIR) <[All\\_of\\_Judges@EOIR.USDOJ.GOV](mailto:All_of_Judges@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>; Ortiz-Ang, Susana (EOIR) <[Susana.Ortiz-Ang@EOIR.USDOJ.GOV](mailto:Susana.Ortiz-Ang@EOIR.USDOJ.GOV)>; Manna, Karen (EOIR) <[Karen.Manna@EOIR.USDOJ.GOV](mailto:Karen.Manna@EOIR.USDOJ.GOV)>; Kuschel, Mark (EOIR) <[Mark.Kuschel@EOIR.USDOJ.GOV](mailto:Mark.Kuschel@EOIR.USDOJ.GOV)>  
**Subject:** Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Judges and Court Administrators:

Duplicate



**From:** [Santoro, Christopher A \(EOIR\)](#)  
**To:** [Daw, Alison \(EOIR\)](#)  
**Subject:** Re: Pereira v. Sessions (TBD NTAs) - updated guidance  
**Date:** Wednesday, July 11, 2018 2:54:56 PM

---

Perhaps, so hopefully our rulings in similar cases will be consistent.

Christopher A. Santoro  
Deputy Chief Immigration Judge

On Jul 11, 2018, at 2:35 PM, Daw, Alison (EOIR) <[Alison.Daw@EOIR.USDOJ.GOV](mailto:Alison.Daw@EOIR.USDOJ.GOV)> wrote:

Won't that invite continued motions to terminate, which we're already receiving?

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Wednesday, July 11, 2018 9:45 AM  
**To:** All of OCIJ HDQ and Courts (EOIR) <[AllOfOCIJHDQandCourts@EOIR.USDOJ.GOV](mailto:AllOfOCIJHDQandCourts@EOIR.USDOJ.GOV)>  
**Subject:** Pereira v. Sessions (TBD NTAs) - updated guidance  
**Importance:** High

All,

Duplicate



**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Wilson, Donna L. (EOIR)  
**Sent:** Wednesday, June 27, 2018 1:48 PM  
**To:** Keller, Mary Beth (EOIR) <[MaryBeth.Keller@EOIR.USDOJ.GOV](mailto:MaryBeth.Keller@EOIR.USDOJ.GOV)>; Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>; All of Court Administrators (EOIR) <[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>; All of Judges (EOIR) <[All\\_of\\_Judges@EOIR.USDOJ.GOV](mailto:All_of_Judges@EOIR.USDOJ.GOV)>; Pasierb, Mark (EOIR) <[Mark.Pasierb@EOIR.USDOJ.GOV](mailto:Mark.Pasierb@EOIR.USDOJ.GOV)>; Ortiz-Ang, Susana (EOIR) <[Susana.Ortiz-Ang@EOIR.USDOJ.GOV](mailto:Susana.Ortiz-Ang@EOIR.USDOJ.GOV)>; Manna, Karen (EOIR) <[Karen.Manna@EOIR.USDOJ.GOV](mailto:Karen.Manna@EOIR.USDOJ.GOV)>; Kuschel, Mark (EOIR) <[Mark.Kuschel@EOIR.USDOJ.GOV](mailto:Mark.Kuschel@EOIR.USDOJ.GOV)>  
**Subject:** Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Judges and Court Administrators:

Duplicate



*MaryBeth Keller*

Chief Immigration Judge

U. S. Department of Justice

Executive Office for Immigration Review

[Mary.Beth.Keller@usdoj.gov](mailto:Mary.Beth.Keller@usdoj.gov)

703-305-1247

**From:** Santoro, Christopher A (EOIR)  
**To:** [Lyew, Samantha \(EOIR\)](#)  
**Subject:** FW: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)  
**Date:** Monday, July 09, 2018 4:36:00 PM

---

Please use the effective date of Judge Keller's e-mail below. Thanks!

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Wilson, Donna L. (EOIR)  
**Sent:** Wednesday, June 27, 2018 1:48 PM  
**To:** Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>; All of Judges (EOIR) <All\_of\_Judges@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>; Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-Ang@EOIR.USDOJ.GOV>; Manna, Karen (EOIR) <Karen.Manna@EOIR.USDOJ.GOV>; Kuschel, Mark (EOIR) <Mark.Kuschel@EOIR.USDOJ.GOV>  
**Subject:** Pereira v. Sessions - Guidance (on behalf of CIJ Keller)

Judges and Court Administrators:

The purpose of this email is to provide guidance on the processing of NTAs following the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. \_\_\_\_ (2018).

- **NTAs.** Effective immediately, NTAs filed at the window that do not specify the time and place of the hearing should be rejected.
- **Non-detained Cases.** We anticipate that beginning Monday, July 2, 2018, the Interactive Scheduling System (ISS) will be available for the Department of Homeland Security to schedule hearings in non-detained cases.
- **Detained Cases.** We anticipate that beginning Monday, July 16, 2018, ISS will be available for DHS to schedule hearings in detained cases.
- **Pending Cases.** For pending cases, Immigration Judges should continue to address issues raised by the parties regarding the NTA on a case-by-case basis in accordance with controlling case law, statutes, and regulations.

Court Administrators are reminded that a conference call with Deputy Chief Immigration Judge Christopher Santoro is scheduled for 2:30 EDT this afternoon to provide further guidance regarding the processing of NTAs.

If you have any questions, please contact your Assistant Chief Immigration Judge.

*MaryBeth Keller*

Chief Immigration Judge

U. S. Department of Justice

Executive Office for Immigration Review

[Mary.Beth.Keller@usdoj.gov](mailto:Mary.Beth.Keller@usdoj.gov)

703-305-1247

**From:** Santoro, Christopher A (EOIR)  
**To:** [Jauregui, Maria \(EOIR\)](#)  
**Subject:** RE: Pereira v. Sessions (TBD NTAs) - updated guidance  
**Date:** Wednesday, July 11, 2018 5:18:00 PM

---

Maria,

We set ISS to day 11 because of the mandatory 10-day waiting period and not knowing who had waived that or not. You can certainly set them earlier than day 11 since you'll be doing them manually.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Jauregui, Maria (EOIR)  
**Sent:** Wednesday, July 11, 2018 4:29 PM  
**To:** Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>  
**Subject:** RE: Pereira v. Sessions (TBD NTAs) - updated guidance

Judge,

So, just to be clear. We can accept TBD NTA's, but when setting a TBD case we should still set the hearing date NO EARLIER than 11 days per the Pereira v. Sessions requirements? This question applies more for our detained cases since our availability is much shorter than 11 days. Please advise. Thank you.

**Maria Jauregui**

Court Administrator  
U.S. Department of Justice  
Executive Office for Immigration Review  
San Francisco Immigration Court  
100 Montgomery Street, Suite 800  
San Francisco, CA 94104  
415.705.0164

---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Wednesday, July 11, 2018 9:45 AM  
**To:** All of OCIJ HDQ and Courts (EOIR) <[AllofOCIJHDQandCourts@EOIR.USDOJ.GOV](mailto:AllofOCIJHDQandCourts@EOIR.USDOJ.GOV)>  
**Subject:** Pereira v. Sessions (TBD NTAs) - updated guidance  
**Importance:** High

**From:** [Cheng, Mary \(EOIR\)](#)  
**To:** [Maggard, Print \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)  
**Subject:** FW: Pereira v. Sessions (TBD NTAs) - updated guidance  
**Date:** Thursday, July 12, 2018 8:54:28 AM  
**Attachments:** [image001.png](#)

---

!!!!!!

Mary Cheng  
**Deputy Chief Immigration Judge**



---

**From:** McNulty, Sheila (EOIR)  
**Sent:** Wednesday, July 11, 2018 5:36 PM  
**To:** Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>  
**Subject:** Fwd: Pereira v. Sessions (TBD NTAs) - updated guidance

I know you've been in interviews all day, but i  
am wondering (b)(5) DP

[REDACTED]  
[REDACTED]

Referral

[REDACTED]

(b)(5) AC



-----Original Message-----

From: Jeremy McKinney <jeremy@mckinneyimmigration.com>  
Sent: Wednesday, July 18, 2018 7:47 AM  
To: McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>  
Subject: AILA inquiry

James,

Two things:

First, a hearty thanks for returning the IJ information to the 800#! It may sound small but as you heard in SanFran, it is very important to our members to know the identity of the IJ in advance.

Second, DHS recently filed opposition to a motion to terminate and included an excerpt from an email Judge Santoro sent to all the courts instructing them to again accept NTAs missing the time/date/location information. The email stated it "supersedes the guidance below." The "guidance below" was not included in the DHS filing. Can we see the guidance in full? Any idea why the email was given to DHS but not shared with stakeholders (like AILA) representing respondents?

Any insight you can offer would be greatly appreciated!

Thanks,

Jeremy

Jeremy McKinney

Attorney and NC Board Certified Specialist in Immigration Law [www.mckinneyimmigration.com](http://www.mckinneyimmigration.com) Sent from my iPhone



**From:** [Bartolomei, Jr. Rico \(EOIR\)](#)  
**To:** [Cowles, Jon \(EOIR\)](#)  
**Cc:** [Keller, Mary Beth \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#); [Robbins, Laura \(EOIR\)](#); [Ahn, Kate \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#)  
**Subject:** FW: (b)(6) - Motion to Terminate  
**Date:** Thursday, July 19, 2018 9:50:21 AM  
**Attachments:** (b)(6) [MTT Pereira G\).doc](#)

---

Good Morning Jon,

I write to you to request more flexibility with respect to the orders contained within Judicial Tools. I am pleased to report that the Judges and Attorney-Advisors have rolled up their sleeves and are working closely with Laura, Kate, and her team, and are trying to utilize Judicial Tools but are running into limitations which I believe can be fixed. First, as noted by the email below, there are orders being developed that are subject to be created as a foundation for future orders of a similar kind. I would request that the attached order be included within Judicial Tools so that I may modify it slightly with upcoming cases that will require a similar disposition. Right now, I cannot create such a document for future uses within Judicial Tools.

Secondly, the current documents within Judicial Tools are overly "locked." I request that they become "unlocked." For example, I had a family of three. I attempted to use Judicial Tools and the order that I attempted to create simply would not allow me to add the two other A numbers or names. Also, I wanted to delete the information about an appeal because it was not pertinent and I could not because it was "locked." Lastly, the Certificate of Service title was at the bottom of the page all alone. I wanted to move it to the second page but could not.

Thirdly, I would ask that for the blank order, we be given greater freedom within the text box. Right now, I believe that I can place one paragraph worth of text in there with no paragraph breaks, no italics, and nothing other than straight text. The blank order should allow for multiple paragraphs and all functions that normally would be allowed by Microsoft Word.

If you have any questions or need further clarification, please let me know. Regards, Rico

---

**From:** Llaguri, Xheni (EOIR)  
**Sent:** Wednesday, July 18, 2018 5:57 PM  
**To:** Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>  
**Subject:** (b)(6) - Motion to Terminate

Judge Bartolomei,

Attached is the draft grant decision for the Motion to Terminate based on *Pereira* filed by Respondent in the above listed case. The hard copy and ROP are in your office.

This is the second *Pereira* decision that I have drafted for you that includes substantively the same language. Is there a way we can get a template into Judicial Tools so that we can adjudicate these types of motions more quickly?

Xheni Llaguri  
Attorney Advisor  
U.S. DEPARTMENT OF JUSTICE  
San Diego Immigration Court  
[Xheni.Llaguri@usdoj.gov](mailto:Xheni.Llaguri@usdoj.gov)  
(619) 546-6337

**From:** [Loprest, Jr., F. James \(EOIR\)](#)  
**To:** [Maggard, Print \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#)  
**Cc:** [Cheng, Mary \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#)  
**Subject:** RE: No Jurisdiction Holding  
**Date:** Tuesday, July 31, 2018 11:58:01 AM  
**Attachments:** [image002.png](#)  
[Manosalvas v. Sessions Cases Westlaw.html](#)

---

And here is some more for you *Pereira* watchers: a Court of Appeals decision from the other day dealing with the notion that a later issued hearing notice tends to “cure” a blank NTA -- which had been the law in Second Circuit, at least.

The Circuit remands the matter to the Board for its opinion.

--J.

---

**From:** Maggard, Print (EOIR)  
**Sent:** Tuesday, July 31, 2018 10:58 AM  
**To:** Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>  
**Cc:** Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>  
**Subject:** No Jurisdiction Holding

All,

FYI, attached is an Eastern District of Washington case interpreting *Pereira* as TBD = IJ has no jurisdiction.

**PRINT MAGGARD**  
DEPUTY CHIEF IMMIGRATION JUDGE

Department of Justice

Executive Office for Immigration Review  
Office of the Chief Immigration Judge



**From:** Santoro, Christopher A (EOIR)  
**To:** [Cheng, Mary \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)  
**Cc:** [Laurent, Scott \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#)  
**Subject:** RE: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA  
**Date:** Tuesday, July 31, 2018 12:36:00 PM  
**Attachments:** [image001.png](#)

---

Thanks. I'm still stuck where I was when I first read Pereira: (b)(5) DP

[REDACTED]  
[REDACTED]  
[REDACTED] y. I

suppose we'll see as these decisions continue to come in...

---

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Cheng, Mary (EOIR)  
**Sent:** Tuesday, July 31, 2018 8:10 AM  
**To:** Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>; Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>; Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>  
**Cc:** Laurent, Scott (EOIR) <[Scott.Laurent@EOIR.USDOJ.GOV](mailto:Scott.Laurent@EOIR.USDOJ.GOV)>; Feldman, Irene (EOIR) <[Irene.Feldman@EOIR.USDOJ.GOV](mailto:Irene.Feldman@EOIR.USDOJ.GOV)>; Bartolomei, Jr. Rico (EOIR) <[Rico.Bartolomei@EOIR.USDOJ.GOV](mailto:Rico.Bartolomei@EOIR.USDOJ.GOV)>  
**Subject:** RE: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

Please see attached.

Mary Cheng  
**Deputy Chief Immigration Judge**



---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 31, 2018 7:42 AM  
**To:** Rooyani, Rodin (EOIR) <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>; Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>  
**Cc:** Laurent, Scott (EOIR) <[Scott.Laurent@EOIR.USDOJ.GOV](mailto:Scott.Laurent@EOIR.USDOJ.GOV)>; Feldman, Irene (EOIR) <[Irene.Feldman@EOIR.USDOJ.GOV](mailto:Irene.Feldman@EOIR.USDOJ.GOV)>; Bartolomei, Jr. Rico (EOIR) <[Rico.Bartolomei@EOIR.USDOJ.GOV](mailto:Rico.Bartolomei@EOIR.USDOJ.GOV)>  
**Subject:** RE: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

Thanks. It really is hard to (b)(5) DP

[REDACTED]  
[REDACTED]  
[REDACTED]).

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** Rooyani, Rodin (EOIR)

**Sent:** Monday, July 30, 2018 6:23 PM

**To:** Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>

**Cc:** Laurent, Scott (EOIR) <[Scott.Laurent@EOIR.USDOJ.GOV](mailto:Scott.Laurent@EOIR.USDOJ.GOV)>; Feldman, Irene (EOIR) <[Irene.Feldman@EOIR.USDOJ.GOV](mailto:Irene.Feldman@EOIR.USDOJ.GOV)>; Bartolomei, Jr. Rico (EOIR) <[Rico.Bartolomei@EOIR.USDOJ.GOV](mailto:Rico.Bartolomei@EOIR.USDOJ.GOV)>

**Subject:** Fwd: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

FYI

Rodin Rooyani

Assistant Chief Immigration Judge

Begin forwarded message:

**From:** "Douglas, Tess P. (EOIR)" <[Tess.Douglas@EOIR.USDOJ.GOV](mailto:Tess.Douglas@EOIR.USDOJ.GOV)>

**Date:** July 30, 2018 at 2:43:36 PM PDT

**To:** "Ruane, Rachel Ann (EOIR)" <[RachelAnn.Ruane@EOIR.USDOJ.GOV](mailto:RachelAnn.Ruane@EOIR.USDOJ.GOV)>, "Stancill, Christine (EOIR)" <[Christine.Stancill@EOIR.USDOJ.GOV](mailto:Christine.Stancill@EOIR.USDOJ.GOV)>, "Vahid-Tehrani, Gita (EOIR)" <[Gita.Vahid-Tehrani@EOIR.USDOJ.GOV](mailto:Gita.Vahid-Tehrani@EOIR.USDOJ.GOV)>, "Rooyani, Rodin (EOIR)" <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>

**Cc:** "Rodriguez, Camilo A. (EOIR)" <[Camilo.Rodriguez@EOIR.USDOJ.GOV](mailto:Camilo.Rodriguez@EOIR.USDOJ.GOV)>, "Saenz, Rodolfo D. (EOIR)" <[Rodolfo.Saenz@EOIR.USDOJ.GOV](mailto:Rodolfo.Saenz@EOIR.USDOJ.GOV)>

**Subject:** Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

Hello all,

IJ Ruane had a respondent's attorney who just presented this case in court. It is a district court case that found that an IJ lacks jurisdiction if there is a TBD NTA:

"The Court concurs from a practical standpoint Defendant clearly became aware of the time and date set for the immigration hearing because he was in custody at the time and was transported to the hearing. However, the Court must rely upon the plain language of the statute as well as the precedent set by the Supreme Court . . . Since the Notice of Appearance in this case omits information required by the statute, the Notice is deficient. **The immigration judge lacked jurisdiction** over Defendant's case because of the deficient Notice."

Best,  
Tess

Tess P. Douglas  
*Attorney Advisor*  
U.S. Department of Justice  
Executive Office for Immigration Review  
606 South Olive Street, Suite 500  
Los Angeles, California 90014  
(213) 553-5764

**From:** [Cheng, Mary \(EOIR\)](#)  
**To:** [Santoro, Christopher A \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)  
**Cc:** [Laurent, Scott \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Bartolomei, Jr. Rico \(EOIR\)](#)  
**Subject:** RE: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA  
**Date:** Tuesday, July 31, 2018 8:17:19 AM  
**Attachments:** [image001.png](#)  
[Pereira\\_MTT.docx](#)

---

And here's another more in depth analysis.

Mary Cheng  
**Deputy Chief Immigration Judge**



---

**From:** Santoro, Christopher A (EOIR)  
**Sent:** Tuesday, July 31, 2018 7:42 AM  
**To:** Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>  
**Cc:** Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>  
**Subject:** RE: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

Duplicate

**Christopher A. Santoro**  
Deputy Chief Immigration Judge

---

**From:** Rooyani, Rodin (EOIR)  
**Sent:** Monday, July 30, 2018 6:23 PM  
**To:** Maggard, Print (EOIR) <[Print.Maggard@EOIR.USDOJ.GOV](mailto:Print.Maggard@EOIR.USDOJ.GOV)>; Cheng, Mary (EOIR) <[Mary.Cheng@EOIR.USDOJ.GOV](mailto:Mary.Cheng@EOIR.USDOJ.GOV)>; Santoro, Christopher A (EOIR) <[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>  
**Cc:** Laurent, Scott (EOIR) <[Scott.Laurent@EOIR.USDOJ.GOV](mailto:Scott.Laurent@EOIR.USDOJ.GOV)>; Feldman, Irene (EOIR) <[Irene.Feldman@EOIR.USDOJ.GOV](mailto:Irene.Feldman@EOIR.USDOJ.GOV)>; Bartolomei, Jr. Rico (EOIR) <[Rico.Bartolomei@EOIR.USDOJ.GOV](mailto:Rico.Bartolomei@EOIR.USDOJ.GOV)>  
**Subject:** Fwd: Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

FYI

Rodin Rooyani  
Assistant Chief Immigration Judge



Begin forwarded message:

**From:** "Douglas, Tess P. (EOIR)" <[Tess.Douglas@EOIR.USDOJ.GOV](mailto:Tess.Douglas@EOIR.USDOJ.GOV)>  
**Date:** July 30, 2018 at 2:43:36 PM PDT  
**To:** "Ruane, Rachel Ann (EOIR)" <[RachelAnn.Ruane@EOIR.USDOJ.GOV](mailto:RachelAnn.Ruane@EOIR.USDOJ.GOV)>, "Stancill, Christine (EOIR)" <[Christine.Stancill@EOIR.USDOJ.GOV](mailto:Christine.Stancill@EOIR.USDOJ.GOV)>, "Vahid-Tehrani, Gita (EOIR)" <[Gita.Vahid-Tehrani@EOIR.USDOJ.GOV](mailto:Gita.Vahid-Tehrani@EOIR.USDOJ.GOV)>, "Rooyani, Rodin (EOIR)" <[Rodin.Rooyani@EOIR.USDOJ.GOV](mailto:Rodin.Rooyani@EOIR.USDOJ.GOV)>  
**Cc:** "Rodriguez, Camilo A. (EOIR)" <[Camilo.Rodriguez@EOIR.USDOJ.GOV](mailto:Camilo.Rodriguez@EOIR.USDOJ.GOV)>, "Saenz, Rodolfo D. (EOIR)" <[Rodolfo.Saenz@EOIR.USDOJ.GOV](mailto:Rodolfo.Saenz@EOIR.USDOJ.GOV)>  
**Subject:** Eastern District of WA holds IJ has no jurisdiction under Pereira if TBD NTA

Hello all,

Duplicate



Best,  
Tess

Tess P. Douglas  
*Attorney Advisor*  
U.S. Department of Justice  
Executive Office for Immigration Review  
606 South Olive Street, Suite 500  
Los Angeles, California 90014  
(213) 553-5764

**From:** Santoro, Christopher A (EOIR)  
**To:** [McHenry, James \(EOIR\)](#); [Nuebel Kovarik, Kathy](#); [So, Edward \(EOIR\)](#); [Rosich, Nicole M](#); [Keller, Mary Beth \(EOIR\)](#); [Symons, Craig M](#); [Pasierb, Mark \(EOIR\)](#)  
**Cc:** [Maggard, Print \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)  
**Subject:** New date for non-detained NTAs not scheduled via ISS  
**Date:** Thursday, August 02, 2018 10:08:00 AM

---

DHS,

Please use **October 31, 2018** as your next NTA appearance date for non-detained cases not scheduled through the ISS. We will be advising our courts of this new date later today so you may start using it tomorrow or any time thereafter. Thank you.

**Christopher A. Santoro**

Deputy Chief Immigration Judge

---

**From:** McHenry, James (EOIR)  
**Sent:** Thursday, August 02, 2018 9:21 AM  
**To:** Nuebel Kovarik, Kathy <(b)(6)@uscis.dhs.gov>; So, Edward (EOIR) <Edward.So@EOIR.USDOJ.GOV>; Rosich, Nicole M <(b)(6)@uscis.dhs.gov>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Symons, Craig M <(b)(6)@uscis.dhs.gov>  
**Subject:** RE: ISS status

Adding OCIJ.

MaryBeth & Chris-would you work with OIT and USCIS regarding dates for NTAs in ISS?

Thanks.

---

**From:** Nuebel Kovarik, Kathy <(b)(6)@uscis.dhs.gov>  
**Sent:** Thursday, August 02, 2018 9:19 AM  
**To:** So, Edward (EOIR) <[Edward.So@EOIR.USDOJ.GOV](#)>; Rosich, Nicole M <(b)(6)@uscis.dhs.gov>  
**Cc:** Symons, Craig M <(b)(6)@uscis.dhs.gov>; McHenry, James (EOIR) <[James.McHenry@EOIR.USDOJ.GOV](#)>  
**Subject:** RE: ISS status  
**Importance:** High

Adding James back into the conversation.

Ed, thanks so much. We're running this down (verifying/resubmitting if needed), but we need guidance ASAP on how to proceed with dates on the NTA. Are we using TBD (not preferred), holding off on issuing NTAs (not preferred) or getting another date?

If we need to get on the phone, I can do that. But we need this resolved right away.

Kathy

Not a responsive record



Not a responsive record



**From:** [Pasierb, Mark \(EOIR\)](#)  
**To:** [All of Court Administrators \(EOIR\)](#)  
**Cc:** [Bartolomei, Jr. Rico \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Daugherty, Daniel J. \(EOIR\)](#); [Dufresne, Jill \(EOIR\)](#); [Feldman, Irene \(EOIR\)](#); [Grim, James \(EOIR\)](#); [Griswold, Stephen \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Laurent, Scott \(EOIR\)](#); [Lee-Sullivan, Marcia L. \(EOIR\)](#); [Loprest, Jr., F. James \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Mart, H. Kevin \(EOIR\)](#); [Martin, Clay N. \(EOIR\)](#); [McNulty, Sheila \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nadkarni, Deepali \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Paul, Nancy J. \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Roldan, Martin \(EOIR\)](#); [Rooyani, Rodin \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Scala, Theresa M. \(EOIR\)](#); [Sukkar, Elisa \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Weiss, Daniel H. \(EOIR\)](#); [Wiggs, Nicole \(EOIR\)](#)  
**Subject:** ISS date  
**Date:** Thursday, August 02, 2018 10:16:12 AM

---

Court Administrators,

We are reaching the date given to DHS for non-detained cases for NTA (August 31,2018) where DHS was not able to schedule through ISS. Today we have informed DHS to use October 31, 2018 as the next NTA date for non-detained cases in cases where DHS was not able to schedule through ISS.

Cc: OCIJ

**From:** [Santoro, Christopher A \(EOIR\)](#)  
**To:** [Rosen, Scott \(EOIR\)](#)  
**Subject:** Re: AP Inquiry Regarding Pereira v. Sessions on Deadline for Today  
**Date:** Friday, August 10, 2018 4:12:46 PM

---

Nothing from me. Thanks.

Christopher A. Santoro  
Deputy Chief Immigration Judge

On Aug 10, 2018, at 4:02 PM, Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)> wrote:

Any comments? Looks okay to me.

---

**From:** Mattingly, Kathryn (EOIR)  
**Sent:** Friday, August 10, 2018 3:13 PM  
**To:** Rosen, Scott (EOIR) <[Scott.Rosen@EOIR.USDOJ.GOV](mailto:Scott.Rosen@EOIR.USDOJ.GOV)>; Rothwarf, Marta (EOIR) <[Marta.Rothwarf@EOIR.USDOJ.GOV](mailto:Marta.Rothwarf@EOIR.USDOJ.GOV)>  
**Cc:** Anderson, Jill (EOIR) <[Jill.Anderson@EOIR.USDOJ.GOV](mailto:Jill.Anderson@EOIR.USDOJ.GOV)>; Baptista, Christina (EOIR) <[Christina.Baptista@EOIR.USDOJ.GOV](mailto:Christina.Baptista@EOIR.USDOJ.GOV)>; Ruffino, Lou (EOIR) <[Lou.Ruffino@EOIR.USDOJ.GOV](mailto:Lou.Ruffino@EOIR.USDOJ.GOV)>  
**Subject:** AP Inquiry Regarding Pereira v. Sessions on Deadline for Today  
**Importance:** High

Hello Scott and Marta,

I am working with Main Justice OPA spokesman Devin O'Malley on this inquiry from AP reporter Amy Taxin who is writing for this weekend and is on immediate deadline. Please see my initial draft below and let me know if you have any additional information to provide or any edits.

**Draft:**

**Q) I would like to know whether DOJ has issued guidance to immigration judges on how to handle these motions to terminate, and finally, if DOJ has coordinated with DHS to now start issuing NTAs with specific date/place to appear so as to comply with the 8-1 ruling.**

A) The Department of Justice has determined that the Supreme Court's decision, *Pereira v. Sessions*, does not require the immigration courts to stop accepting notices to appear (NTAs) with a notation of "to be determined" (TBD) for the hearing date and time. Immigration judges hearing cases in which the NTA has TBD specified for the hearing date and time will proceed according to controlling case law, statutes, and regulations.

**End.**

Thanks in advance and apologies for late Friday afternoon inquiry.

Kathryn

***Kathryn Mattingly***

---

Assistant Press Secretary  
Communications and Legislative Affairs Division  
Executive Office for Immigration Review  
U.S. Department of Justice  
703 605-1192, Direct  
703 305-0289, Main  
[www.justice.gov/eoir](http://www.justice.gov/eoir)